619 675 "Jumi'at, Marabtiin (plural of Marabit) of the 'Ali Ahmar."
All Marabit tribes of the Western Desert are affiliated as
* [613] clients with Sa'adi tribes. Further, since the tertiary
group of the Marabtiin functions in the same way as that of
the Sa'adi, it is this group which enters into compacts with
Sa'adi tertiary groups. Traditionally, the Marabit group's
• [682] main support activity was to share in the payment of the
blood-money with its Sa'adi protector group. In return, the
Marabit group was given land in the protector's territory
and could depend upon them to contribute to any Marabit
blood debt which might come due. Also, it was considered the
[628] [682] duty of the Sa'adi to revenge the death of a member of his
client group since the Marabit "was weak and could not face a
[608] tribe." But there is no attempt to construct fictional kinship
links between Sa'adi and Marabit groups.

[672] In al-Qasr today, contractual relations between Sa'adi
and Marabit are still based upon collective responsibility in
the blood-feud. However, since this traditional means of
conflict control is an extremely rare occurrence, the mutual
obligations of the parties are expressed in different forms.
[648] In any conflict between the Bedouins and the Egyptian government,
the Marabtiin are expected to support their respective
[666] Sa'adi groups. In any modern elections which a Sa'adi might
enter, the Marabit is expected to give him his vote. A few
examples will make clear the relationship between the Sa'adi

121 621 basis of an agreement "to share the good and the bad" by
571 all parties concerned. Once the integration is effected,
675 608 patrilineal ideology and legal fiction succeed in concealing
597 the jointure.

The concept which derives from ancient Arabia, and
621 which expresses fully the structural principles of Bedouin
571 *613 society is that of *'aqila*. The *'aqila*, in al-Qasr, is the
head of the corporate group, the tertiary unit or *bait*. A
[884] person becomes part of the Bedouin jural body when he reaches
the age of 15, begins to keep the Ramadan fast, and is expected
to pay his share of the blood-money. At this time, a man
621 acquires rights over his corporate lineage-mates and they
571 *613 over him: they claim a share in the indemnity ("blood-
672 money" - *diiya*) of each other, and are under obligation to
•[682] contribute equal shares to any *diiya* which becomes due from
the group as a whole. Further, each corporate member is
morally bound to support his lineage-mates by swearing the
oath (*yamiin*) on the behalf of any who are accused of falsehoods in the course of litigation. All of these rights and
obligations are guaranteed by the presence of an *'aqila*.

*613 The tertiary *bait* is the minimal corporate group. It usually includes three to five generations of members. Tertiary units which are descended from a common ancestor combine through contractual relations into the maximal corporate group, the secondary unit or *'aiela*. Beyond the secondary level

*613 of lineage segmentation, ties based upon any of the structural principles may obtain, but they are not ritually legitimated by the principle of blood responsibility. A functional corporate group cannot be defined beyond the secondary level. The Bedouins of al-Qasr make an explicit distinction between a group which is _'asaba_ and one which is not. The term _'asaba_ derives from the verb, "to bind," and is translated as "paternal relations" or "agnates." The tertiary and secondary segments are considered to be _'asaba_. Only these segments can be represented by an _'aqila_.

[666] *613 196 174 •682 The _'aqila_, the focus of authority in the corporate tertiary group, is an elected head. The concept of _'aqila_ is itself an expression which entails mutual support and collective responsibility: the concept of _'aqila_ is equivalent to that of corporate group. Wehr (1961) translates the word _'aqila_ as "a clan committed by unwritten law of the Bedouins to pay bloodwite for each of its members." In pre-Islamic Arabia, the _'aqila_ must have been "the juristic personality" (Weber 1954:157). In early Islamic Arabia, we know the penal codes of the ancient schools of law came to differentiate between the offender (i.e. the individual) and the _'aqila_ (i.e. the group) concerning the payment of blood-money. During Umayyad times, the _'aqila_ was the group listed on the _diwaan_ (account books), and was considered a tribal grouping of some order which was responsible for paying the _diiya_

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*613 (Schacht 1953:207).

196 So, in pre-Islamic Arabia and later, the *'aqila* and
174 not the culprit was responsible for payment of the *diya* or
682 for retaliation. And the *'aqila*, which means every single corporate member, risked its life in the face of retaliation from without. According to Islamic law, only the killer may be retaliated upon. But in pre-Islamic Arabia and in al-Qasr, any member of the killer's corporate group may be revenged upon. The Bedouins say that revenge should be taken upon the best man of the family, for this will cause the most damage. Both the legal schools of Madina (Maliki) and Kufa recognized the principle of self-help, or collective responsibility, for payment or retaliation in cases of homicide and wounding. And, according to Coulson (1964:49), "they both called the group which shoulders the burden the *'aqila*."

*613 The *'aqila* in al-Qasr, which is an uncentralized system, is a corporate sole and a political office. It functions both in internal domestic (i.e. within the tertiary segment) authority relations, and at the level of external authority relations. The *'aqila* is a symbol of his corporation and, as such, speaks for its members in matters of social regulation and the enforcement of political decisions growing out of conflict situations. Political order in al-Qasr depends
[571] upon the values inculcated and the type of authority exercised within the corporate group (Southall 1956:27). The model of

*613
578 the Bedouins. Conflict regulation treats the expressions of
571 social conflict and not its causes.

554 The *'aqila* regulates conflict between the members of
his tertiary segment, between this group and the other groups
of the secondary unit, and between secondary units of the
tribe. He operates in both the internal and external systems
*613 of authority relations. The *'aqila* may pre-empt the authority
578 of the *shaib* in the sphere of familial authority, though, the
593 Bedouins say, this seldom happens because the son is willing
554
[596] to obey his father. Having been reared in the culture, and
as a future father himself, the son supports the respect-
*613 discipline principle of Bedouin society. But in extreme cases,
578 such as the threat of a father to disown his son, the explicit
593 approval of the *'aqila*, and of all the *'awaaqil* of the secondary
428 corporate group, is necessary. This is the procedure in all
554 cases of banishment. In one case (which I document below), a
man disinherited his younger brother with the formal approval
of his *'awaaqil*.

*613 The tertiary group in Bedouin society is by definition
●682 the blood-vengence group. However, in view of the common
578 values and pragmatic interests of its members, the secondary
[181] group fulfills this function. Traditionally, when revenge
[681] killings were carried out according to the *lex talionis*, it
was usually at the hand of some member of the victim's tertiary
group. In the case of protracted conflict, such as extended

*613 feuds or war, secondary groups, and even whole tribes, became
●682 involved. If the tertiary group is in the structural sense
578 a blood-revenge group, the *'aqila* is the corporate sole of the
*613 blood-revenge corporation: an important function of the
554 *'aqila's* office derives from this. The *'aqila* is responsible
682 for the collection and distribution of the blood-money. It
578 is this specific authoritative function of the office which is the necessary condition for the existence of a corporate group. If there is no *'aqila* to collect blood-money, then a kinship segment is not a corporation and it will merge into another group headed by an *'aqila* in order to realize collective benefits.

*613 Bait Braik of 'Ailit Ma'fas (see Figure 8) had no
554 *'aqila* while I was in the field. Their *'aqila* had recently died and his office had not yet been filled. The person who
[666] would succeed to the office was known by all, but still his election or formal appointment did not take place. In other
*613 words, the office of *'aqila* will remain vacant until conflict
554 and the need to regulate it force an election. The Bedouins
578 were pleased about the vacant *'aqila* office in Bait Braik: "Thank God that it is vacant. When it is necessary, we will meet and name an *'aqila*." Any of the *'awaaqil* of the lineage
[682] can mediate conflict, but no *'aqila* is willing to take the responsibility of collecting the blood-money from another man's *bait.*

*613 Each member of the corporate group contributes an
•682 equal share to the blood-money due in a compensation case.
435 The blood-price for intentional killing is presently set at
436 400 L.E. In the olden days, the blood-price was 100 camels.
178 [571] If a man had no camels, he was expected to contribute his
share in cash, the value to be assessed at current market
prices. Eventually, cash came to replace camels altogether in
[231] the exchange of blood-money. This reflects the growing un-
importance of the camel in the Western Desert. Today, there
[556] is only one man in al-Qasr who may be considered a "camel
owner," and he is the richest man in the area. Since at least
1935 the blood-price has been met with cash.

*613 When it has been decided that the right of blood-
682 revenge as a retaliatory measure is to be waived, the _'aqila_
554 must go to each member of the group for his share of the blood-
571 money. Each _'aqila_ of the secondary group does this, and together their collections make up the 400 L.E. blood price. For instance, if there happens to be 400 men in a secondary lineage group, then the share which each contributes will be 1 L.E. The _'aqila_ must account for his own group's share even if this means making up deficiencies from his own pocket. It is for this reason that the _'aqila_ "should be rich." Though the _'awaagil_ of al-Qasr are generally members of the "status group," this is not always the case. Hussain, the man destined to become the _'aqila_ of Bait Braik, was comparatively poor. He admitted to this fact, and said that for this reason he was reluctant to become an _'aqila_: "The _'aqila_ is responsible for his _bait_.

*613 He must pay the diiya with the shares which he collects from
•682 the others. It makes no difference if the 'aqila must pay
554 with his own money. He is responsible for this matter before
571 the whole tribe."

*613 The collection of the diiya is only one aspect of the
554 process of conflict regulation, but it stands out as the funda-
682 mental manifestation of the office of 'aqila. In the course
[692] of office, an 'aqila will spend much more time arbitrating
disputes, but it is his responsibility concerning blood-money
which defines his position and his jurisdiction as corporate
682 ones. During the present period in al-Qasr, the practice of
178 blood-revenge has all but disappeared as a mechanism of social
[626] control. Nevertheless, the possibility of its happening is
not too remote. The payment of blood-money is the alternative
[619] to blood-revenge, and blood-revenge is a condition for all-out
[721] tribal warfare--something which the Bedouins look upon with
[829] horror. One informant once likened a primary-level war between
the 'Aishaibat and the Kamailat (should it ever occur) to
*613 "the end of the world." The 'aqila as a representative of a
682 group can prevent war by preventing reciprocal homicides: by
554 presenting his share of the blood-money he regulates conflict
578 and promotes integration. The blood-money is usually paid
over a period of from one to two years. In this case, the
[571] notion of "debt" represents a contingent, institutionalized
social relationship for the purpose of maintaining political
order.

*613
554 on paper in triplicate, one copy going to each litigant and
69 a third copy to the chief of police of the Marsa Matruh sector.
[671] In practice, though, a copy usually goes to the litigants, but
[178] not to the chief of police (who had not a single Bedouin court
case in his files).

*613 As is not the case in Islamic law, in Bedouin customary
695 law the decision of the judge may be appealed. The system of
692 appeals may even function at the level of familial authority,
[671] i.e., the son may, in theory, appeal a ruling by his own
father. The Bedouins insist that this is an important right
of every man. In the situation where a man wishes to appeal
a decision of his own _'aqila_, he will generally take his claim
to another _'aqila_ of his secondary group. When an appeal is
to be made, it is done with the permission of the _'aqila_ who
rendered the original decision. The one who appeals his case
does so with the understanding that the decision returned by
the court of appeal will be final and binding. Further, if
[681] the court of appeal concurs with the findings of the original
court, the plaintiff pays a double fine (twice the original
fine), and also pays his own _'aqila_ an expiation fee (_kubaara_).

69 The Egyptians have preferred to leave the Bedouins of
648 al-Qasr to settle their own disputes except in the more serious
● [682] criminal matters. Police from Matruh will enter homicide cases
[685] and those conflicts over property rights which threaten to
explode into tribal warfare. But these types of conflict have

69 648 been infrequent in al-Qasr. The *'awaaqil* of al-Qasr and the
police of al-Qasr have an agreement that Bedouin problems are
the jurisdiction of the desert leaders, and that the police
will intervene only when their help is requested. The
Bedouins claim that in the 1930's, the Egyptians tried to do
away with Bedouin law but soon discovered their own penal code
609 to be inoperative in the desert. Against "outsiders," the
69 Bedouin is duty bound to protect his kinsmen, and hence justice
could not be satisfied. One *'aqila* said that "only the *'awaiyid*
*613 •682 *Awlad 'Ali* can maintain order because it stops wars through
182 payment of blood-money." If a Bedouin, for some reason or
692 other, takes his case to the police in Matruh, he will be
648 returned to his *'aqila;* he will be told that they can do
*613 nothing for him without the permission of his *'aqila*. There
are exceptions to this rule which complicate modern Bedouin
692 judicial procedure. For instance, in cases which involve
685 government property, such as olive trees and government-
648 operated water systems, a man may legitimately deal with the
*613 police. In one case in al-Qasr, a man's goats destroyed a
number of his neighbor's olive trees. The police decided that
the owner of the goats should pay the value of the trees. In
another case, a man who had constructed small earth dikes in
such a way that rain water was prevented from flowing onto
his neighbor's land was forced against his will to remove the
obstruction. His neighbor had taken his complaint to the

554 1952:165), and the role rajal khair along with the other roles
627 concerned with political action, the 'aqila, shaikh, and 'umda,
692 represent political organization in al-Qasr. Although the role of rajal khair is not institutionalized to the same degree that the others are, we shall see in the next chapter that it is an important one for an understanding of power relations in al-Qasr. All of these roles carry with them some type of right to make binding decisions in matters regarding conflict regulation. That is, an individual should take his
*[613] claims to the 'aqila, but may take them to any of the other political specialists. In any of the cases, the litigants concerned become bound by the decision of the third party.
*[613] But only at the hand of the 'aqila can a decision be made
[695] which will effect a whole group, i.e., only an 'aqila can
●[682] give judgment against a corporation for the blood-money in a case of homicide (Schacht 1953:328).

691 If, however, blood-money is not an immediate concern,
692 the litigants may utilize any and all of the political roles
*613 available in the judicial system. A statement from one of my
554 informants, an 'aqila, is useful here.
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[124]

> The bait is made up of thirty or fourty men, and there is one most important man (rajal kabiir), the 'aqila. The 'aqila puts an end to problems, he sees who deserves this and who deserves that. Problems must be settled. It happened five or six years ago that I and my paternal cousins quarreled over land at Wadi Raml. I went to the police station and complained to the shaikh of the 'Aishaibat. I asked him to choose a person to judge

627 from the owner of the dog. If the man had refused to pay the
596 price of the chicken, as demanded for settlement, then the
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*[613] next step would have been to inform the appropriate _'aqila_
to bring greater force, and perhaps greater sanctions, to
bear.

*613 Bait 'Umar (Figure 8) is one of the authority groups
571 of al-Qasr, a corporate group represented by a corporate sole.
•682 Both the tertiary corporate group and the corporate sole are
referred to, according to the ancient tradition of the Bedouins,
as an _'aqila_. This group is a blood-revenge group, and is
referred to as _'umraa al-dam_ ("donator of blood"), or _waliiy
al-dam_ ("executor of a blood feud"). It is the group which
[681] decides whether or not retaliation will be taken according
to _lex talionis_, or if blood-money as compensation for the
loss of one of its members is acceptable. The Bedouins say
that no amount of money can replace a human life, that blood-money is only a means to prevent the loss of more men. This
group, when it functions as _waliiy al-dam_ ("executor of a
blood feud"), has the authority to demand retaliation; to
waive it entirely; or to demand, along with blood-money, that
the guilty party be punished by his _'aqila_. When this group
pays or receives blood-money it does so as a partner in the
larger corporate group, the secondary segment. The principle
of collective responsibility interplays with the other structural principles of Bedouin society. The convergence represents

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the conversion of small authority groups into larger ones. Political order depends upon this convergence of principles and the affirmation of the values and institutions which the principles imply. In turn, the resulting political organization helps to maintain the "body of interconnected moral and legal norms" (Fortes and Evans-Pritchard 1940:20).

When blood-money is paid out, all of the tertiary groups contribute an equal share. When blood-money is received, the group of the killed man receives one-half of the diiya and the remainder is divided equally among the members of the secondary group. The distribution of blood-money was explained as follows:

> The one-half of the diiya which goes to the murdered man's bait belongs to his sons. If the man was not married and had no sons, then the money goes to his brothers or those closely related to him (bi-dam), like his uncles or paternal cousins. If the man was married and had only daughters, and they had no brothers, these females can claim the diiya only if they are married to someone in the tribe. (Here the word tribe refers to the secondary lineage group.) If they are married to someone from outside the tribe, the female will take no money because her husband will not contribute to the next diiya in the tribe.

This is the ideal situation. But blood-money distribution is relative to the level at which conflict takes place, i.e., depending upon the nature of the relationship between the authority groups concerned. For instance, it means a great deal if the groups concerned are of the same secondary segment.

*613 571 ●682 In 1947, party A of Bait 'Umar, 'Ailit Ma'fas accidentally shot party B of Bait Muhammad, 'Ailit Ma'fas. Since both parties were of the same family, _'awaaqil_ from 'Ailit Lazumi, a third party, were called to adjudicate. The _'awaaqil_ decided that a _diiya_ of 400 L.E. should be paid to Bait Muhammad. Of the 400 L.E. _diiya_, Bait 'Umar was to pay 200 L.E. and the rest of the secondary group, with the exception of Bait Muhammad, was to pay 200 L.E. The brother of the killed man said that they would accept the 200 L.E. from Bait 'Umar, but would take only 100 L.E. from the rest of the family. The 300 L.E. _diiya_ then went to the brothers of the killed man who had no sons and whose father was deceased. The _diiya_ was paid in one week's time.

*613 571 Although I have tended to use the terms tertiary segment and corporate group interchangeably, the two are not structurally synonymous. Not every tertiary segment is a corporate group or authority group. Just as tertiary corporate groups combine into larger secondary corporate groups so do tertiary groups which lack size and property, i.e., political power, ally themselves together under one _'aqila_ to form corporate authority groups. Subsumed under the secondary segmental heading of 'Ailit Ma'fas (see Figure 8) are eleven structurally separate tertiary segments, but the corporate authority structure of 'Ailit Ma'fas includes only five groups. Thus there are only five politically significant authority groups, or _'awaaqil_, which represent 'Ailit Ma'fas to the outside world. Six of the tertiary segments are numerically small enough that they have found it politically advantageous to consolidate "in sharing the good and the bad." The combination of tertiary segments into authority groups is as follows:

*613 public obligations to temper private interests. This temper-
*613 ing process in Bedouin society is effected through the agree-
571 ment, or bonds, between the *'awaaqil* of the secondary group
675 as representatives of the members of the tertiary groups.
The *'aqila* and the members of a tertiary group submit to
structural arrangements of organization and procedure at
the secondary level of interest and authority. All this is
symbolized in the duplicate copies of the *rawaabit* and the
name of the "famous" ancestor.

*613 I do not underestimate the importance of the tertiary
571 segment. I realize that internal order at this level is what
prevents anarchy at the secondary level. And I do not mean
to imply that integration is necessarily any greater at the
tertiary level than at the secondary level--it may or it may
*613 not be the case. Conflict is more difficult to detect at the
571 tertiary level than at the secondary level due to the practical
578 value which the Bedouins place upon stable relations between
brothers and immediate relatives. But conflict does take
place, and the Bedouins do attempt to regulate it at this
level.

*613 The Bedouins say that blood-revenge and the feud
•682 cannot possibly operate at the tertiary level. On the other
hand, homicide does occur "between brothers." We have already
described the case of manslaughter in 'Ailit Ma'fas and the
manner in which it was dealt with: no retaliation would have

*613 been justified in this case since the killing was accidental.
• 682 In another case of killing which occurred between tertiary
units of the same secondary group, we see what happens in the
*613 case of intentional killing. This case of murder in 'Ailit
682 Lazumi is interesting and valuable because it illustrates
571 the dynamics of authority relations within the secondary
segment, and the degree to which authority relations are
manageable without a resulting structural change.

> *613 In 1959, a rearrangement of authority relations took
> 682 place within 'Ailit Lazumi: Bait A and Bait B agreed
> 571 that they would be collectively responsible for each
> 675 other, and Bait C and Bait D made a similar compact.
> The compacts involved the sharing of *diiya* and *kubaara* (expiation) payments. Shortly after 1959, Bait A and Bait C quarreled, and the result of the litigation was that the *'awaaqil* ordered Bait A to pay a *kubaara* of 20 L.E. to Bait C. Bait B, as the partner of Bait A, decided to pay 10 L.E. of the *kubaara* and Bait A paid the other 10 L.E. But Bait D protested this sharing of the *kubaara* saying that Bait B is a third brother and, as such, should act as a *quwaal al-kahair* ("a speaker of good"); that no brother should take sides against the others. As a result of this incident, the split between the two groups (A-B and C-D) became deeper. Afterwards, one group would not contribute to the *diiya* involving members of the other group even if it concerned external conflict with other secondary groups. This division in 'Ailit Lazumi was finally ended in 1960 when a member of Bait A killed a member of Bait B--the killing was within the same contractual alliance. At this time, the whole lineage decided to forget its differences and, all together, paid Bait B its *diiya*.

*613 Ideally, conflict should not be permitted to threaten
578 the structural continuity of the secondary corporation, but it
[681] happens. Usually, however, safety mechanisms such as the
barawwa and the right to secede are effective enough to prevent
structural deterioration.

181 of his rights;" a man should be courageous enough to fight
641 for what belongs to him and his family. These values, which
578 become political values in a tribal context, coupled with the
571 idea of self-help make for a political order which is ultimately
based upon the law of blood-revenge and feud. At least this
is the case where the external system of authority relations
578 is concerned. But force as the ultimate mechanism for the
571 establishment of political order is better considered an
182 extreme, and only one of the mechanisms used by the Bedouins
in the process of conflict regulation. The attempt is to
establish a balance of rights, concerning honor and property,
and not to go beyond another's boundaries lest he retaliate.
Force, as a coercive institution, can never be the sole basis
of political structure, as Schapera has shown in the case of
the Bergdama and Bushmen (1956:211-221). Thus the Bedouins
[681] say blood-revenge would be impossible within the secondary
* [613] corporate group; relations this important cannot be based
• [682] upon force. In the case of homicide within this group compensation is immediately forthcoming.

571 Also, it has been pointed out that self-help and
672 collective responsibility do not operate indiscriminately.
* 613 That is, an individual cannot depend upon the backing of
[578] his group irrespective of his own motivations in a particular
situation which calls for retaliation or threatened the group
with retaliation. Individual responsibility figures in cases

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672 other than those dealing with blood-revenge too. For instance,
*613 in matters concerning personal debts incurred, the group is
571 not responsible for the individual. The Bedouins say that if
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*613 a man has the money he must repay his debts: if he does not
426 have the money, then he must ask a rich relative to pay his
debts for him. He is then in debt to his relative and, out
of respect for him, should not borrow money or go into debt
[558] again. If he does, he will bring dishonor ('ar) to his
[681] family and they will, ultimately, banish him. There was dis-
•682 agreement among my informants as to whether or not they
*613 should contribute to a diiya which was compensation for an
829 intentional slaying. Some said that they would not question
124 the motives of their kinsman who has killed because "we are
together in the good and the bad, and I must pay for him
just as he must pay for me." But others held the opinion,
which I feel was a prevailing one, that one must take into
account the justifiability of the killing. This seems to
have been the case in the past, for the Bedouins say that
traditionally the bait of the killer had to pay one-half
of the diiya.

*613 All things political somehow relate to the payment
682 of blood-money. We have seen that the essential function
681
182 of the 'aqila, and even the condition of his taking office,
571 refers to the responsibility of collecting the diiya from
the members of his group. The criterion of being a member

*613 of the group, of joining a new group, or of becoming a man,
682 all refer to the notion of sharing in the payment of the _diiya_.
681 All obligations and sanctions which carry the force of law in
182 Bedouin society also are directly related to compensation and
571 retaliation. Weber (1954:110) has stated the general case:
"The _wergilt_ debt as set by the judge was the most ancient
debt and all forms of obligation have derived from it."
[171] Evans-Pritchard (1940:171) has stated the particular case:
" . . . Nuer law, in so far as it applies to a study of
political relations, must be treated in connexion with the
blood-feud." The blood-feud and the _diiya_ are institutions by
which authority groups interact and political order is main-
681 tained. Blood-revenge, or the threat that it may take place
578 and spread, is a most serious sanction in the Bedouin political
682 system. Of the twenty-two cases of conflict in al-Qasr about
which I have good details, nine of these deal with homicide
or attempted homicide, and thirteen involve quarrels over
rights to land, water, and women which could have led to
violence had not arbitration succeeded. In fact, seven of
the nine cases of personal injury began over property rights.

*613 Rules regarding the _diiya_ in Bedouin society apply
682 at all levels of the lineage structure. This seems important
to note for it points up an unusual degree of autonomous
authority at the tertiary level. Research on segmentary
societies has often stressed the fact that compensation is

*613 impossible within the corporate group. Middleton and Tait 682 (1958:19) have generalized on this point, and Wagner (1940: 218) has been very explicit: "When a breach of law occurs within a given group (lineage, sub-clan, or clan) and the nature of the offence is such that it affects those interests which are specific to the group and not further divisible, a restoration of the breach by compensation is obviously impossible, as it would necessitate the splitting of the group into two units . . . " The Bedouins avoid division in [672] such cases by holding the whole secondary group responsible for the diiya, and usually the share of the diiya which would be forthcoming from the killed man's tertiary segment is excluded from the total payment. It seems that either the Bedouins represent an atypical case, or Africanists have failed to make a sharp and analytical difference between the blood-vengeance grouping and the group which actually shares in the paying and receiving of blood money.

691 Bedouin law and political order, then, center on [682] the institution of blood-revenge or retaliation. The payment [626] of compensation as a prevention of blood-feud is a central concern of the 'awaiyid Awlad 'Ali. Murray (1935:313-328) presents a Bedouin legal document "signed with the seals of twenty-two sheikhs testifying to the accuracy of the code" which set forth the main tenets of the 'awaiyid of the Western Desert. I checked the contents of this document with

671 I checked the contents of this document with
[124] my own informants who agreed that it was authentic and
represented the _'awaiyid_ as it should be practiced. Almost
• [682] the whole of the _'awaiyid_ refers to the circumstances sur-
rounding the occurrence of killing and the payment of the
[128] _diiya_. The case studies which I present below reflect the
'awaiyid as it was practiced in 1935.

682 Blood-money is calculated relative to three things:
whether or not a killing was premeditated or accidental; the
sex of the victim; and whether or not the victim was a freeman
or a slave. The full _diiya_ is paid in the case of intentional
killing, and three-fourths of this amount is due in the case
[562] of accidental killing. The _diiya_ for a woman is one-half
that for a man whether or not the killing is intentional.
[567] There are no slaves in al-Qasr, only their descendents who
are now freemen. In the case where a pregnant woman is killed,
the foetus will be examined and should it prove to be a male
then the full _diiya_ will be due.

578 An important mechanism for conflict regulation in
682 the Western Desert is the _nazaala_, i.e., "the act of taking
*613 refuge." If a killing is committed, the killer immediately
778 seeks protection by going to the residence of a neutral third
party. The third party, who may or may not be an _'aqila_, and
his lineage give protection to the whole tertiary segment of
the killer. This may involve the actual relocation of the
killer's _bait_ to the residence of the protecting group for

578 •682 *613 778 the period of one year. During the period of sanctuary, it is hoped that two things will happen: that the killed man's group will be placated and agree to compensation rather than retaliation as a means of conflict regulation; and, that over this period of one year the killer's family will pay the diiya.

The practice of nazaala is one means of differentiating between internal and external political relations. Killing between tertiary groups of the same secondary lineage would never be mediated by the nazaala, rather, compensation would immediately be paid and the matter settled--or at least never again mentioned. The Bedouins believe that killings at any level should be forgotten for fear that hostile feelings, or even feuding, will re-emerge. This excerpt from my field notes shows this.

> Hajj Sabr asked if I would take him in the jeep to Ras Abu Laha. As we passed Umm al-Rakham, the territory of 'Ailit Amarik (Marabtiin affiliated with 'Ali Abyad) west of al-Qasr, he told me about a feud which took place there five years ago. The quarrel began, as most do, over the rights to a piece of land: 'Ailit Amarik and a lineage of the Qinaishat tribe both laid claim to a strip of land between their territories. One man from the Qinaishat was killed, and, in revenge, the Qinaishat killed three men and wounded four from 'Ait Amarik. The government intervened to stop the killing. It became settled when the 'awaaqil met at the zawiya of Umm al-Rakham. They ate together and resumed brotherly relations. Since Hajj Sabr was one of the third parties involved in this settlement, I asked him if I might read his copy of the document on this case. He replied: "Shame, shame! If you begin to ask about this case, it may start all over again. There are still bad feelings between the two tribes."

*613 778 182 •682 The *nazaala* as a regulatory mechanism functions only between secondary segments. This indicates that blood-revenge as a negative sanction is operative only in the external system of political relations. Political relations at this level, where the feeling of corporateness is relatively lacking, are in delicate balance. Therefore, once conflict is successfully mediated and the injury redressed, it is best forgotten, for it is unlikely that either party feels their rights have been completely restored.

683 Sanctions against personal injury, besides killing, are dealt out in terms of fines, the fines being figured as proportions of the *diiya*. Every part of the body has a price on it: the Bedouins say, "*Banu Adam kill-i-filuus*" ("The sons of Adam are all money"). A proportion of the *diiya* is due for injury to any of the following parts of the body: the beard, hair on the head and the nape of the neck, and eyelashes; wounds to any part of the body; fractures and dislocations of bones; the tongue and the teeth; the testicles and the breasts; and the loss of mind. Bodily injuries are [463] evaluated by a considered expert, the *nathaara* ("the keen-eyed one"). [305] If the services of a *nathaara* become necessary in al-Qasr, the barber in Marsa Matruh (the same person who performs most of the Bedouins' circumcisions) fills the role. [178] But the Bedouins say, "Now that we are educated we are able to make our own evaluations."

682 683 671 Since Bedouin law, and not Egyptian law, still prevails in al-Qasr, personal injury cases must be expedited according to the 'awaiyid lest the greater sanctions embodied in the principle of self-help follow. Sanctioned fines for death and bodily injury are standardized in al-Qasr and in the whole Western Desert. [124] [627] One informant, a rajal khair ("good man") who sometimes adjudicated quarrels, possessed an authoritative paper which listed the injury and ensuing fine prevailing in al-Qasr when I was in the field. Below are the contents of this paper. The comments in parentheses were made by the man as I translated the paper: they were offered as the rationale behind Bedouin law.

L.E. 400 - for inflicting an injury upon a person which renders him sterile.
400 - for the intentional death of a man with a gun or knife.
400 - for causing the loss of a man's nose, ("Because to cut up a man's nose is to make him ugly.")
400 - for causing the loss of a man's eyes, 200 L.E. for each eye, ("Because without eyes a man can do nothing.")
400 - for causing the loss of a man's ears, 200 L.E. for each ear, ("Because a deaf man cannot work.")
300 - for the death of a man if caused by beating with sticks or stones, ("This is unintentional, for if you really wanted to kill the man you would use a better weapon.")
200 - for the intentional death of a woman with a gun or knife.
150 - for the loss of a hand.
150 - for the loss of a leg.
10 - for the loss of a front tooth, ("Because it is bad for a man's appearange.")
5 - for the loss of a rear tooth.

671
562 Implicit in the *'awaiyid* is the assumption that the woman is less responsible for her deeds and something of a weakling. The Bedouins have a proverb which says that "the devil whispers in the ear of the woman." If a woman slays a [682] man, intentionally or accidentally, the *diiya* is considered as for unintentional killing. 671 562 684 Where sex offenses are concerned, it makes a difference if the act takes place in the man's (i.e. the husband's) tent or in the desert, and, of course, it makes a difference whether or not it is a case of rape or adultery. If a man finds another man and his wife in his dwelling in the act of adultery, he may kill the man and pay the *diiya* for unintentional killing. From this *diiya*, he deducts the amount of the bride-price and 50 L.E. for trespassing. The fine for rape ranges from 10 L.E. to 100 L.E. On the other hand, if intercourse takes place with the woman's consent, the fine is only 5 L.E. or 10 L.E. If a virgin is deflowered, the fine will be 100 L.E., and the man will have to marry her, paying the bride-price asked for by the girl's father and going through the normal procedure for marriage. Where offenses involve unmarried women, all fines are paid to the father. In cases concerning married women, fines go to the husband. [586] [558] According to the Bedouins, it would be a great dishonor to the man's family if the husband were not to divorce his wife after it becomes known that she has been promiscuous. They said that if a man

*613 578 182 ultimately, all-out warfare: the role of _'aqila_ is most critical at this level. Abou-Zeid (1966:259) has suggested an explanation for the delicate balance of political relations which exists between secondary lineage groups. He thinks that

> [579) . . . in the segmentary society of the Bedouin of the Western Desert . . . honour has played, and still plays, a most vital role in the field of social control, besides providing an effective code of morality . . . A slight offence inflicted against a lineage . . . is taken as an unfavorable humiliation requiring immediate retaliation to wipe out the shame, regain honour, and restore the same relations as formerly between the groups.

●682 683 578 *613 Homicide and wounding cases, which usually develop over conflicting claims to land or water rights, are most prone to lead to grand-scale conflict. Thus the _'aqila_ will always mediate and adjudicate these cases whereas he will not necessarily intervene in those cases involving tertiary groups where appeals to moral solidarity and kinship unity may succeed in restoring relations. It is difficult to muster evidence for this contention since conflict between tertiary groups is more of a private matter than it is public, and, once settled, such conflict is not likely to be discussed, or even admitted.

*613 578 619 681 Most of my details on conflict regulation and the judicial process in al-Qasr involve political action between secondary or primary groups, eighteen of the twenty-two cases in fact. Of the nine cases dealing with personal injury (eight

695 below will show how a "bad oath" can work directly on the
784 false witness.

784 Divine sanctions enter into other aspects of the
626 Bedouin judicial process and function to maintain social
626 control in al-Qasr. If we can speak of a standard, or
681 minimal sanction, in Bedouin law it would be the dhabiiha and 10 L.E. In any case, however small the offence might be, the litigant found to be in the wrong will have this judgment made against him. But in almost every case "the
[788] party who takes his rights" will refuse the dhabiiha and
[292] 10 L.E. and insist instead upon a ritual three cups of tea. An individual refuses the dhabiiha as an act of brotherhood and thanksgiving that the quarrel has been settled. The Bedouins point out the practical factor that very few men in al-Qasr can afford to part with even one lamb. On the
626 other hand, in more serious cases, such as homicide, which
681 occur in the external sphere of political relations and
682 threaten to disintegrate the political community, the parties
264 involved will actually eat a whole meal together. In this case, the dhabiiha is accepted, for the act of commensality is deemed necessary for reconciliation.

626 But whether or not conflict is concluded by a simple
182 ritual or a large feast, the prevailing mood is one of
771 gratitude that the secular bonds of brotherhood and a pre-ordained sacred order have been maintained. The Bedouin

681
675 charters of Bedouin society, the rawaabit al-'awaaqil and
671 the 'awaiyid Awlad 'Ali. Again, following Radcliffe-Brown
121 (1952:212-219), sanctions expressed in al-Qasr may be con-
681 sidered civil as opposed to criminal sanctions since, even in
•682 the case of intentional homicide, the emphasis is upon resti-
182 tution and the restoration of the "good society" rather than
[671] upon punishment. The Bedouin legal system is one which deals
with private delicts, and which depends upon secondary social
sanctions and ritual sanctions for the arbitration and settle-
ment of disputes.

121 Since neither a dichotomy between private and public
681 delicts nor a differential distribution of authority at the
various levels of the lineage structure obtain in the uncentral-
ized political system of the Bedouins, political action and
type of sanction will be described in terms of whether or not
they occur in the internal political system of the secondary
or domestic group, or in the external system where interaction
between secondary, primary, or tribal segments takes place.

The most striking difference between the two systems
of political action rests with the fact that the lex talionis,
retaliation regulated by custom, does not operate within the
121 secondary group. In the two cases of killing between tertiary
681 groups of 'Ailit Ma'fas and 'Ailit Lazumi already given, com-
682 pensation was immediately paid: the incidents were both
* [613] settled and "forgotten." In conflict situations arising in the

121 external system, however, the law recognizes retaliation, a
681 life for a life. Still, even in this case, Bedouin values
• 682 [182] expressed through the *'awaiyid* try to avert bloodshed and
[671] feuding by showing "the good path" and providing the means
for settlement through compensation.

681 Just as the Bedouin accepts the *'awaiyid* as a set of
682 of ideals calculated to regulate conflict, he paradoxically
182 claims the right to impose retaliatory sanctions as a just
[671] conclusion to conflict. One Bedouin said that the greatest
[673] sin which a man or group can commit is to accept the *diiya*
and then take his blood-revenge and return the money. Presumably, a person or group commits no outrage if they refuse
the *diiya* with the understanding that blood-revenge will be
[626] taken. In al-Qasr, retaliation and the *'awaiyid* are mechanisms
[671] of social control and dispute settlement. A political office
* [613] exists, i.e. the *'aqila* which functions over the total range
[692] of political action, and the process of adjudication and
compensation in the form of indemnity payment represents an
institutionalized alternative to retaliation. In all cases
of dispute, ritual or religious sanctions back up social
[776] sanctions. God is a third party to all conflict, and this is
[695] made manifest in the reading of the *Fatiha* or the oath-taking
128 ceremony. In order to describe how authority and sanctions
68 operate in Bedouin society, a number of examples are presented
[124] below. Some of the cases are the statements of informants about
[114]

578 Date: 1947. Case: Quarrel between 'Ailit Dawlat and
*613 'Ailit Zagharat of the 'Aishaibat concerning murder. The
●682 quarrel began over the ownership of land. Members of the
Dawlat assaulted a member of the Zagharat but he did not
die. Then members of the Zagharat killed a member of the
[571] Dawlat in revenge for the beating. Many 'awaaqil from the
[692] tribe came to judge this case. They told the Dawlat and the
Zagharat: "Shame on you, you are of one tribe." The decision
of the 'awaaqil was made according to the 'awaiyid Awlad 'Ali.
A diiya of 400 L.E. was judged against 'Ailit Zagharat. The
diiya was collected from all of the members of the Zagharat,
and it was paid over the period of three years. The diiya
was divided into two parts: one-half went to the sons of the
killed man, and the other half went to the 'aiela.

Date: 1946. Case: Quarrel between 'Ailit Dawlat and 'Ailit
Zagharat concerning murder. The conflict began when a member
of the Dawlat argued with the Zagharat about a piece of land.
One night when the man from the Dawlat and his father were on
their way home some members of the Zagharat ambushed and killed
the father. They did not bother the son because he was only a
[571] boy. The 'awaaqil settled the case, and the Zagharat paid a
[692] 400 L.E. diiya. In 1959, after all those years, the son and
[683] his uncle ambushed the man from the Zagharat who had shot the
father; they shot him four times. The man did not die but his
leg was paralyzed and he lost the sight in one eye. The

578 Dawlat, on the decision of the _'awaagil_, paid a 200 L.E. _diiya_
*613 for the leg and the eye. After this, the two families resumed
682 friendly relations.
683

[539] In the Name of God the Merciful,
It is the day, 28 Muharram 1382, the same as 1 July 1962. This agreement took place between the following parties: 'Ailit Abu Qarasa and 'Ailit al-Zallat. The reason for this agreement is the quarrel which happened on Wednesday, 24 Muharram, and 27 June. Out of this quarrel resulted the death of the late Juwaida Abd al-Salam. This agreement is made in the presence of the _'awaqil_ of the two parties and with their full approval (also present was Hajj 'Ali, an important _rajal khair_ about whom we will have more to say). The offending group, namely 'Ailit al-Zallat, will go to live with Hajj Sabr Hamad al-Dawlat at Ras Abu Laha area, according to the way of the _nazala_ among the Awlad 'Ali. 'Ailit al-Zallat may walk between Wadi Umm al-Shitan and Wadi al-Hawari on the west side, the sea on the north side, and the borders of the Qinaishat land on the southern side without a _nazil_ (i.e. one from the protecting party). And if they go out from these mentioned borders, they must be accompanied by one from 'Ailit Dawlat. And if they go beyond the mentioned borders, without a _nazil_, no one from the protecting party has a right to stop them. And if any from the other party offends them within the mentioned borders, then 'Ailit Abu Qarasa will be subject to whatever is decided against them in accordance with the _'awaiyid Awlad 'Ali_. This agreement was made and signed in the presence of the _'awaqil_ of the Abu Qarasa, and the period of _nazala_ will be one year beginning the date of today. We hope for the help of God.

Signatures or seals of eleven men.
Signature and approval of Marsa Matruh Police Office
Dated: 1 July 1962

578 _Date: 1919_. Case: Quarrel between 'Ailit Zallat ('Aishaibat,
*613 'Ali Ahmar) and 'Ailit Hafiyan (Awlad Kharuf, 'Ali Abyad) con-
682 cerning murder. The problem began over the ownership of a well.
Three men from the Hafiyan were killed, and in revenge the

578 Hafiyan killed three members of the Zallat. This feud lasted
*613 over a period of 25 years. It happened one time that an
•682 'aqila of 'Ailit Zallat was walking in the desert and stopped
578 for a visit at a naja', the owners of which he did not know.
574 He soon discovered that "he was in front of the Hafiyan them-
*613 selves." He tried to conceal his own identity, intending to
682 eat the meal which they offered him and then escape in the dark. But the Hafiyan soon discovered that one from the Zallat was their guest. They told him that they would send men of their tribe with him to give him safe conduct through the desert. They also said that they wished to get together and make peace. Then they made peace, and its conditions were made through the 'awaaqil. No diiya was transferred because each had killed an equal number of men. Then members of the two groups lived together for two or three days and made a feast, they slaughtered sheep and the problem was over. This problem came to an end in 1938.

578 The next case, dealing with wounding, is presented in
682 the form of two documents. It is valuable for the way in
*613 which it illustrates the judicial process and ritual sanction.
[619] Note that in the first document the case seems to concern two primary segments, i.e., the 'Aishaibat and the Kamailat, but the second document, the "Day of Oath," clearly indicates that the parties involved are 'Ailit Ma'fas ('Aishaibat) and 'Ailit Mahatha (Kamailat), two secondary groups.

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578
*613 that they had received their rights in this case. And
the two parties are satisfied by this according to the
692 witnesses present.

539 Signatures or seals of four witnesses.
695

578 The next case represents the only time in the memory
●682 of informants that all of the 'awaaqil of the 'Ali Ahmar met
*613 to intervene in a case of conflict. This case is extremely
692 unusual because it may be the only time in Awlad 'Ali history
571
619 that political mobilization of this scale has taken place. As
noted, political action, in war or peace, usually involves
[177] only secondary segments. In view of this, the case probably
[648] reflects an instance of social change: the Egyptian government,
anxious to maintain good relations with Libya, encouraged and
facilitated the settlement of this dispute by furnishing
transportation and cutting administrative red tape so that
the 'awaaqil of the 'Ali Ahmar could handle this case in a
[182] most expeditious way. Here is a case where Bedouin traditional
political structures function adequately in the modern situation.
Note here also that, in certain circumstances, the diiya payment
can be divided symbolically and specifically to place guilt and
to indicate the seriousness of a crime.

619 Date: 1963. Case: Quarrel between the tribe of 'Ali Ahmar
682 (Egypt) and the Harabi (Libya) concerning murder. A young
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*613 boy of 'Ailit X was visiting his sister in Libya. He learned
[685]

619 that one old man kept a large sum of money at home. One day
*613 the boy went to beg a watermelon from the old man, but really
682 he went to learn the layout of the man's house. In the night,
578 the boy returned to the man's house and demanded his money.
[685] The man refused saying that he had no money. The boy stabbed
the old man to death. The boy then went to his sister's
house and washed the blood from his hands, and had the girl
clean the blood from his robe. The police came to the sister's
house in search of the boy, but he was hiding in a cave nearby.
The police asked the sister: "Where is your brother, he has
killed your mother?" The girl was horrified and told the
police where they could find her brother.

*613 All of the *'awaaqil* of the 'Ali Ahmar met at the farm of
619 'Umda Ibrahim. There were forty-one *'awaaqil* plus 'Umda Ibra-
571 him. They proceeded to Libya by bus, and took forty sheep
682 with them as a *kubaara*. In Libya, they met with officials of
578 the Libyan government and the *'awaaqil* of the Harabi tribe.
682 The Harabi asked for a *diiya* of 3000 L.E. The blood-money
578 asked for was extra high for two reasons: a young man had
619 killed an elder; and, the murder was connected with in-
*613 tentional theft. After discussing the crime, the Harabi
[685] reduced the price to 700 L.E. They did this out of respect
for the 'Ali Ahmar who had come so far, and who had paid money
for the sugar and tea. All of the 'Ali Ahmar contributed to

682 the diiya: the Qinaishat paid 50 L.E., the Kamailat paid
578 50 L.E., but the 'Aishaibat, the tribe of the killer paid
619 600 L.E. Of the 600 L.E. paid by the 'Aishaibat it was
*613 distributed as follows: 'Ailit Lazumi and "Ailit Ma'fas each paid 100 L.E. because they are rich; 'Ailit Dawlat paid only 30 L.E. because they are poor, and each pays according to their means. The _'aiela_ of the killer, although they are poor, had to pay 70 L.E., and the _bait_ of the killer had to pay 300 L.E. All paid according to their means, except the killer's _bait_. This was a special case, it never happened before and will never happen again and this is why the killer's _bait_ had to pay more. The killer's _bait_ was very poor, so what they did not have they had to beg from the richer families of the tribe.

Legal Cases Pertaining to Property Rights

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*613 In general, property in al-Qasr is owned either by an individual or by a tertiary group; seldom, in these days, is
423 property held by the secondary lineage group. If we followed
*613 classic segmentary lineage theory, seeing that the tribal
182 political structure and the _'awaiyid_ are still functionally
[671] intact, we might suppose that land and water possession are rights in usufruct and not of ownership. The Bedouins themselves insist that the rights to land and water are rights of ownership. They state that all of the lineage-owned land, with few exceptions, was parcelled out to tertiary groups a

423 each tribe. It was decided that the water which flows through
691 the wadi after the rains should be divided equally between the
578 two tribes, and that no one should be stopped from using the
619
648 water. Had not the government intervened in this conflict, and had not they collected all of the weapons from the Bedouins, this problem would have resulted in the death of many men and even greater problems.

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685 Theft is condemned by the Bedouins: "Everything in the desert is loose. We must punish the thief quickly and
● [682] severely." It is a fact that the man who goes to steal and accidentally kills in the act will have judged against him
[829] the full diiya, i.e., the amount for intentional killing. On the other hand, the people of al-Qasr insist that "Bedouins do
[671] not steal." But legal norms exist to sanction violations against cultural ideals. The following case shows how social and ritual sanctions operate to enforce ideals.

619 Date: 1964. Case: Quarrel between the tribe of Kamailat and
578 the tribe of 'Aishaibat over the theft of 16 L.E. Muhammad of
685 'Ailit Ma'fas was accused of stealing 16 L.E. which belonged
*613 to Ahmad of 'Ailit Idris, Kamailat. The theft occurred while the two were residing at a hotel in Marsa Matruh. There were twenty other persons in the hotel that night. The accused said: "I did not take anything."

554 turns in times of need dealing with financial and personal
571 problems. In view of the value stress which the Bedouins
627 place upon generosity, manifest in the redistributive system
182 [181] of the lineage, the wealth of the rajal khair is the wealth
[556] of the community. Wealth divides, not only possessors from non-possessors, but also, seekers after security from power seekers. It is as Peters (1965:145) has noted in Cyrenaica: generosity, not being entirely altruistic, wins repute and repute is an important aspect of political power.

554 In an interview concerning the justice of blood-
•682 revenge, there was general agreement that if a man kills
627 intentionally, then blood-revenge must be taken by the
*613 murdered man's bait against someone in the murderer's aiela.
829 But one prominent man (a rajal khair) protested that "the best man in the killer's family must not be harmed." This statement generated a rather heated debate. One man said: "The best man should be killed for this is right in the Bedouin type of justice." (This comment was made by a man who is the 'aqila of a low-status lineage in al-Qasr.) The first speaker's reply to the protest was this:

> Nevertheless, it all depends upon the character of the best man . . . if he is evil and on bad terms with your family, then he will be the first one to be killed. But if he is a good man, then you kill the murderer himself . . . You must never kill a rajal khair because he may do good in the future.
> [178] In the old days, the killing started right away, and all problems were big ones: today there is negotiation--people are improving.

*613 at this lineage level must bear collective responsibility in
602 matters of compensation and blood-revenge. This principle,
571 as we have seen, is extended until the whole _'aiela_ is in-
•682 cluded in a symbolic expression of corporate group solidarity.
In order for this expression to persist, of course, the
mechanism, or ideology, of blood-revenge must be maintained.
[124] All of my informants, though they disagreed over the details
of revenge, insisted that it was the inviolable right of the
156 Arabs. But Hajj 'Ali took exception to the practice of blood-
159 revenge for a number of reasons. He said:

554 829 682

> The world changes. Before it was only the _'awaiyid Awlad 'Ali_ and the Border Guards which kept order. The government now enters into the matter of killings. Personally, I do not agree with the custom and the way it operates. In the case of killing, for instance, someone who is not worth anything, and has no brains, kills one from another tribe. Then the tribe of the
> [778] killer asks for the _nazaala_, and a third party becomes involved. The third party agrees to guard the killer's _bait_ for twelve months and the business of all those involved must stop. A member of the third party's family must accompany each member of the killer's tribe. But even after the twelve months one must live in fear at his own home, for after the twelve months the tribe of the deceased will try to kill the best man in the killer's tribe. How many good ones do we have in one tribe? I have heard that in Algeria, Morocco, and Tunisia the deceased man's family has the right to kill the killer only . . . (I then commented that perhaps blood-revenge functions to discourage killing in the desert.) But there are unbalanced people who actually commit murder just to tease their tribe: they have nothing to fear because no one is interested in killing them in retaliation.

In challenging the Arabs' traditional right to blood-revenge, Hajj 'Ali--besides questioning a structural basis of

156 the group--in effect questions a great deal about the whole
159 traditional authority structure. Blood-revenge functions as
554
829 a deterrent to social disorder in that it represents an
●682 automatic mechanism for restoring a balance of good relations
[182] in the society. Actually, Hajj 'Ali exaggerated to make a
point when he spoke of the existence of "unbalanced people."
682 A person would indeed be "unbalanced" who did not take into
672 consideration the repercussions of his acts with respect to
*613 the personal danger and the dishonor and shame it would bring
to his _'aiela_ and _bait_. Although the _'aiela_ members are
willing to share in the blood money for accidental or unpremeditated killings, it is wrong to suppose that the Bedouins
do not attempt to weigh the justifiability and culpability
[671] in matters of killing. The very existence of the _'awaiyid
Awlad 'Ali_ argues against this. Obviously, the dichotomy made between killing in the _'awaiyid_, i.e., intentional and accidental, and the concomitant gradation in compensation points to some kind of reasonable consideration in cases of killing.

156 Hajj 'Ali is discontent with yet another aspect of
159 the traditional authority structure. He questions the logic
554 and authority represented in the oath as a sacred sanction.
695 This says something about the degree of secularization which
829 Hajj 'Ali has undergone. Although he does not say so, he apparently favors a more secular and logical procedure for determining a man's guilt or innocence.

619 groups were expected to help. For these reasons the Sa'adi tribes competed
619 721 and even fought among themselves for the newcoming Murabiteen
groups which continued to migrate into the area, escaping the strong dominance of the Cyrenaica Bedouins..Many of the major tribal wars which occurred in the area before the turn of the century had as their major cause the competition over the Murabiteen.

619 As a vassal group the Murabiteen tribes are kept in an inferior
778 position. This inferiority has certain manifestation, the most obvious
184 of which is the deprivation of the Murabiteen of the right of "nazala"
● 682 or refuge. When a person is killed the killer and his kin unit seek refuge
778 at a neutral tribal segment, and for a period of twelve months they
613 are safe from the revenge of the victim's kin group. The victim's family
[671] cannot follow them to the refuge place, for to do this is to violate one of the basic principles of Awlad Ali law. The philosophy behind the rule of "nazala" is to give time for "the blood to cool off" as one of the informants described it. It also gives the host group a chance to start immediate negotiations with the victim's group to settle permanently the dispute. As soon as the murderer's group takes refuge, which is done either by moving along with their tents and flocks and settling in the locality of the host group or symbolically by having the head of the host group send one of his sons or male relatives to pitch his tent in the locality of the murderer's group, the head of the host group contacts the victim's group, informs them that he has been chosed by the murderer's group in accordance with the right of nazala, and asks for their permission to grant his protection to the murderer's group. To ask for the permission of the victim's group is a matter of formality since, by custom, they cannot refuse to grant this permission except on one single ground:

682 778 613 if the host group is genealogically close enough to the murderer's group as to be themselves part of the vengeance group. As soon as the permission is granted the head of the host group starts negotiations on behalf of the murderer. Since the basic reason for the nazala is to avoid the direct confrontation between the two opposing groups, the first task of the negotiations is to define which places and markets each group can go to during the year of the nazala. Once this has been agreed upon, the difficult task of settling the dispute begins. The success or failure of the negotiations depends on the skill of the negotiator and the weight his tribal segment has in the area. This makes it of extreme importance for the murderer to select the tribal segment which can affect such a settlement. In cases where the host group is not particularly powerful, the victim's group pretends to agree to a settlement in order to have the murderer and his group leave the locality of the host group and then takes revenge by killing the murderer. This cannot happen when the host group is powerful, since such an action would automatically make the host group enemies of the victim's group.

619 184 778 682 With very few exceptions which will be dealt with later, the right to offer refuge is limited to the Sa'adi tribes. No Murabiteen tribe can grant refuge to a murderer, although they themselve can seek refuge at a Sa'adi tribal segment if one of them is involved in murder.

619 184 [682] [582] Another less conspicuous manifestation of the inferior position of the Murabiteen relative to the Sa'adi is the fact that the bloodmoney for the Murabit is two-thirds that for the Sa'adi man. Also, until very recently, marriage of a Sa'adi to a member of the Murabiteen tribes was considered by the Sa'adi as a very poor choice and was discouraged.

619 184 178 582 In recent years this has changed, however. The increased importance of wealth in the recently introduced money economy relaxed the endogamous tendency that was characteristic of the Sa'adi tribes.

619 184 In discussing the position of the Murabiteen tribes it is worth noting that not all the Murabiteen tribes in the area occupy the same position. Some enjoy relatively higher positions than the others. Actually, there are two kinds of Murabiteen in the area: [illegible]illen (independent Murabiteen); and the dependent Murabiteen. The latter are further subdivided into Murabiteen bil-baraka (with the blessing); and Murabiteen bil-sadaqa (with the tribute). The only independent Murabiteen in the area is the Gemei'at tribe. These are the original settlers [173] of the area. Because of their help to Awlad Ali against the Hanadi, the latter were defeated and Awlad Ali were able to occupy the Western Desert. For their part the Gemei'at tribe was granted its independence by Awlad Ali and were given one-third of the total area as their homeland (watan). 619 184 778 682 In theory, the Gemei'at tribe occupies the same position and has the same rights as the Sa'adi tribes, including the right to offer their protection which is denied to all other client groups. In practice, however, this seems to be of no practical value. None of my informants could remember a single case in which a murderer has taken refuge at a segment 619 778 184 682 629 628 of the Gemei'at tribe. The importance of the nazala is not merely to be safe from the pursuit of the victim's group but rather to provide the mediators who undertake the crucial task of negotiation on behalf of the murderer and his gorup. It is the ability to settle the dispute on a permanent basis that offers the actual long-lasting protection, even after the time of the nazala expires. To be successful in his pursuit,

619 the negotiator has to have behind him the full weight of his tribal se-
778 gment. Since the origin of the Gemei'at tribe as a Murabiteen tribe is
184 well known, any negotiator has to rely almost entirely upon his own skill
682 627 628 to affect any settlement; even if he is able to affect such a settlement,
there is no guarantee that it will be permanent.

619 The Murabiteen bil-baraka and Murabiteen bil-sadaqa occupy the same
792 position as vassal groups. The only difference between the two is that
the first, the religious men, are much more respected than the latter.
They are feared by the other tribes because of the belief that they have
direct contact with the religious and spiritual world and can harm those
who dare to offend them in one way or another. Because of this factor
[627] and of their neutral position with regard to the rest of the tribes, they
[628] play an important role in mediation and dispute settlement.

619 The origin of inferiority of the Murabiteen tribes in general is
184 hard to account for. Kenneth (1925) believes that hundreds of years ago
174 the Murabiteen were essentially the holymen. They learned to read and
792 write the Qoraan and grouped themselves around the "zawias' which were
the centers of learning and religion. While indulging in their religious practices their flocks ere grazed miles away in the open desert under the charge of the Sa'adi shepherds, who originally were the poor paid workers of the Murabiteen. These shepherds, living out in the open, were busy fighting away the raiders attempting to steal their flocks. As time passed the Sa'adi shepherds became not only tough fighters but also wealthy. This latter end was achieved partly as a result of successful raids on neighboring tribes. Later when the Sa'adi planned a large raid, they entrusted their flocks to the Murabiteen, who by that time had become dependent upon the Sa'adi for their protection from the raids of other tribes.

619 The picture was reversed then with the poor Sa'adi shepherds becoming
184 the masters, acquiring great wealth and prestige because of their fight-
174 ing ability, and the holymen becoming the shepherds and clients of the
792 Sa'adi fighters. Inthe old inter-tribal wars, the Murabiteen stood a
[651] very limited chance so the Sa'adi tribes adopted them and in return for
a yearly tribure guaranteed theprotection of the Murabiteen from external aggression.

As time passed, the main difference between the Sa'adi and Murabiteen tended to diminish. One or two outstanding Murabiteen tribes fought their own battles without seeking the protection of the Sa'adi and remained independent, while a few others rose up and fought on with the protector against a common foe (the case of the Gemei'at tribe is an example) and in return were emancipated from the stigma of serfdom and accepted by the Sa'adi as almost equals. Other Murabiteen tribes remained attached to their Sa'adi protector as client groups.

Ibn Khaldoun also saw the inferiority of the Murabiteen tribes as stemming from a mode of tribal relations adapted to inter-tribal warfare (1845).

613 The Eila

The Eila represents the next level of tribal segmentation among the Awlad Ali. The Eila is the most important political unit. Although the Eila lacks any formally recognized leadership, its importance stems from the fact that it constitutes the vengeance group or Ámar El-Dam (unity of
613 the blood). This means that it bears a corporate responsibility for the
672 actions of its members. Anyone of its members can be killed in vengence
•682 for a homocide committed by any other, and the duty of revenge for any

613 672 682 member falls on all members alike, regardless of the exact genealogical relationship to the victim. When bloodmoney is to be paid, its members pay it as a group, divided among all male adults; and although when they receive it, a bigger portion goes to the nearest agnates of the victim, the remainder is distributed equally among all its members.

613 The genealogical depth of the Eila is usually five generations. This is not always true, however, In certain instances the number of generations intervening between the founder of the Eila and its living members is nine or even ten. Naturally, the more generations the larger the size of the Eila. Sometimes the Eila becomes so numerous that it is [217] hard to keep records of all members who are supposed to share in the payment of the bloodmoney in a specific case. When the size of the Eila reaches this point, one of two things may happen. The first is an attempt to make lists of the members. Many of the Eilas have such lists. This 613 675 is usually accompanied by a tendency toward writing down the specific rules and regulations of the vengeance group. These lists are referred to as Amar papers. They constitute a formal statement of an otherwise informally recognized responsibility of the group for certain actions of its members. The other is a tendency toward the fission of one or more of its constiuent units which, after separation, establishes itself as an independent Amar. The factors underlying this process of fission are discussed in the next chapter.

[539] The following is an example of an Amar paper, that of the Eilat Aggary, which was put into effect in 1954.

233 through a hard year and to help him replace the herd he has lost. In
731 many cases a dry year is followed by another and many of these employed
464 434 find themselves depending more and more on their income from the jobs.
182 The security of the employment is often compared favorably with the uncertainty of nomadic existence, and many decide to abandon the pastoral
life on a more or less permanent basis. But even when one makes such a
decision, he usually retains a strong affiliation with his original way
613 of life. He retains an active interest in the affairs of his Amar, es-
182 pecially those from which he can benefit in one way or another. One im-
● 682 portant gain he might get is through sharing in the receipt of bloodmoney
for the killing of any member of the Amar, and having the Amar paid in
his behalf. But while asserting their membership in the Amar at the time
of such distribution, very few, if any, would show themselves when the
membership of the Amar is called upon for the collection of bloodmoney
which the Amar has to pay for a murder committed by one of its members.
613 It is known in the area that members of one bait of the Aggary Amar (Bait
682 Ahmad) have never paid their share of the bloodmoney of the last twenty
578 years, but always claim their share in the distribution of bloodmoney.
Many members of that Bait claim that the Bait has long been separated from
the Aggary Amar, although this claim is denied by the rest of the Amar as
well as by those members of Bait Ahmad who claim their share in the receipt of bloodmoney.

613 Disputes such as these, which are not limited to the Aggarty, led
675 many Amars to attempt to make comprehensive lists of all members of the
578 Amar and to require a written agreement in case of separation of a given
Bait from the Amar.

613 672 675 responsibility, leaving any other situation a collective responsibility, or by specifying the cases of collective responsibility, implying that all other responsibilities are as a rule individual ones. The Amar paper of the Aggary, for example, chose to list offenses for which the Amar is not responsible, leaving the rest of the liabilities to be covered by the Amar as a whole. This is not always the case. In some papers offenses for which the Amar is responsible are the ones listed leaving the general rule as the non-responsibility of the Amar.

613 671 675 It is in this respect that the Amar papers are considered an important source of legislation. Although the new rules incorporated in an Amar paper start with the limited applicability to members of the Amar, yet, as time passes and as these rules affect the relationship of the Amar members to outsiders, one rule may acquire a wide practice and become part of the customary law itself. An example of the point in
613 671 675 682 question is the rule regulating the payment of the bloodmoney in cases where the murderer is tried by the state courts for the same crime. In cases of arrest of the murderer by the government, only half the bloodmoney is paid and the other half is withheld until the trial is over. If the killer is acquitted by the court, then the other half becomes immediately due for payment. If, on the other hand, as mentioned before, the killer is convicted, half the bloodmoney is postponed until the person completes his sentence and is released unharmed and with his full senses. If he dies in prison or sustains an accident which affects his physical or mental capacities, the rest of the bloodmoney is automatically dropped. This rule was first included in a number of Amar papers, especially those of the Eilat of Awlad Kharouf tribe. In less than twenty years since it

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671 first appeared, the rule has become a practice so common that other Amars
675 find it unnecessary to specify it in their own papers.

• 682 Another new rule which is in the process of acquiring a great amount
613 of consensus among the tribal population of Awlad Ali is that of the re-
672
675 sponsibility of the Amar for the payment of the lawyer's fees for members
[693] of the Amar who are tried by the government (Article 13 of the Aggary
[695] papers). Another less agreed upon rule is that of the responsibility of
613 the Amar for the financial losses caused by the confiscation of smuggled
672 goods or the payment of money for the destruction of government property
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439 by a member of the Amar. Where smuggling is an important source of in-
[434] come for the group, Amar papers usually include rules making it a corporate responsibility; other Amar papers, especially those of tribal segments not deeply involved in smuggling, make it an individual responsibility, while still others leave it intentionally with no specific rule, as in the case of the Aggary Amar paper.

613 The Aggary document is a relatively elaborate one. Not all Amar
[675] papers, or at least the ones I had a chance to examine, are as detailed.
[131] Eilat Aggary is the largest Amar in the area of Dera'el Bahari, which extends from Alexandria 60 miles westward to the town of Alamein. The
613 distinctive characteristics of the Aggary Eila is that it is composed
563 mainly of peasant groups who joined the Aggary by means of tribal adop-
619 tion. Of the 16 Baits constituting the Aggary Amar, only three are believed to be Awlad Ali proper. The attractiveness of the Aggary for the peasant groups seeking to be adopted by the tribal population of the area may be partly explained in terms of the location of Eilat Aggary in an area relatively close to the Delta from where these groups usually migrate.

His Bait is the wealthiest in the
613 554 Aggary and he himself has recently acquired a great amount of wealth,
627 mostly from smuggling goods across the Libyan borders. Because of his
[556] position as a Government Sheihk, he is believed to have influencial connections in the government. He is the only member of the Aggary Amar
who has a car. He considers himself to be the spokesman of the Aggary
Family, and he is known to be able to persuade the reluctant awaqil to
conform to decisions made by the rest of the awaqil. In a number of in-
[682] stances he was able to collect bloodmoney from members of the Amar who
had previously refused to pay. Some people in the area believe that had
it not been for the persuasive abilities of Sheihk Selouma, the Aggary
Amar could never have persisted, and it would have long ago been divided
into smaller units due to the lack of agreement among its members. The
613 lack of formalized leadership of the Amar or the Eila makes consensus of
extreme importance for the Amar. The emphasis on the unity of the Amar
[675] is stated in Article 2 and is implied in a number of other articles in
[578] the Amar paper of Aggary. Disagreement among the awaqil is very rare al-
613 though not unknown in the area. The relative consensus among the awaqil
682 stems from the fact that the Amar as a group has a fairly limited function.
[182] Until very recently the only practical function of the Amar was the collec-
tion of money to pay for a murder committed by one of its members. Since
establishing the innocence or guilt of the accused is not the duty of the
Amar, once his guilt has been established, there is no question about
613 the payment. Disagreements are likely to occur in the case of new circum-
682 stances where money has to be paid, since payment in such cases are not
578 yet institutionalized, even when specified in a given Amar paper. This
000 has not yet become a major problem. If any disagreement between the

613 If any disagreement between the
578 responsibility of the majority of the awaqil to persuade the minority to
571 conform to the majority's decision. This is usually done by simple per-
613 sonal persuasion. In certain instances, however, when a particular aqila
554 is known for being troublesome to the Amar, refusing to abide by the ma-
571 578 jority decisions, an attempt may be made by the others to build up pop-
ular support around another person in the Bait which the aqila represents.
If this strategy is successful, it might lead to replacing the aqila by
another who is more abiding to the Amar's decisions. This approach is
more likely to succeed if the aqila is not a popular person in his own
Bait, for if he is popular, any attempt by the other Baits to disqualify
the aqila would be viewed by the members of his Bait as interference in
their own affairs and might lead them to rally even more strongly around
their leader.

613 The other tendency occurring when the size of the Eilat increases
is toward the separation of one or more of its constiuent Baits. Origi-
613 nally this was done by merely refusing to share in the payment of blood-
● 682 money. If this refusal continued, it was considered as a sign of
[178] separation of the Bait. In recent years this created problems with an
increasing number of individuals claiming separation from the Amar to
avoid the payment of the bloodmoney, while claiming membership when dis-
613 tribution is done. This led many tribal segments to require that the
675 "barawa" or separation of individuals or tribal units from any particular
Amar should be put in writing, after getting the approval of the Amar to
which he belonged. When the approval is given and the separation in put
in writing, it is announced to all other tribal segments. If this is
[672] done, members of the separated tribal segment are not held responsible

613 individuals. He settles disputes among them and represents them in their
[627] disputes with outsiders. He is also the spokesman of his Bait in all matters involving the relationship of the Bait with the other tribal segments.
[682] He is responsible for the collection of the bloodmoney from members of his Bait and has the authority to confiscate property of individual members who refuse to pay their share. When a member is financially unable to pay his share, the Aqila is expected to pay for him and collect at a later time when the member is in a position to make such payment.

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178 Originally the position of the Aqila was a hereditary one with the position passing from father to son. However, in recent years the rigidity of the patrilineal descent as the basis of succession to the position of the Aqila has been modified radically and other principles of selection have been introduced.
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128 The working of the principles underlying the selection of the Aqila will be analyzed in detail in the following chapter through the close examination of one of the major legal cases which occurred during my stay in the area.

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[423] Thus each Bait is a division of one of the Eilas and this has its place in the formal tribal system. It constitutes a group with definite usufruct rights to land and a formally recognized leadership.

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[613] But the actual residential units in which Awlad Ali live are not baits but parts of them in the form of separate camps or "nagei". The camps constitute the primary communities of Awlad Ali. A camp consists
[594] of a number of tents ranging from four to twelve. Each tent is usually occupied by one nuclear family of a husband, his wife and children. In
[595] cases of polygynous marriages, each wife usually occupies one tent with
[361] her children. Each camp is separated from the next one by a distance which ranges from two to ten kilometers.

PHASE I

613 578 682 [464]

In September of 1956, Mansur from bait Eweidha of the Aggary Eila, who works as a driver in one of the government projects in the area, went to Alexandria with a friend, a member of the Gemei'at tribe. In one of the bars there, Mansur got drunk and entered into an argument with his friend. The argument turned into a fight during which he hit his friend with a broken bottle. Two days later, the friend died. A settlement was made between Mansur and the victim's family and bloodmoney was established at L. 300.

613 682 683

Two weeks after the above incident, the same person, Mansur, was driving the government car on his regualr duty when he ran over two members of the Sanagrah tribe who were sitting on the side of the road, killing one and breaking the leg of the other. Another settlement was made with the families of the victims. The bloodmoney for the dead man was established at L. 300 and another L. 50 was set as the compensation for the broken leg of the other man.

The total sum of compensations in the two incidents was divided among the sixteen baits constituting the Aggary Amar. The share of each bait was decided in proportion to the number of adult males (sayems) in each. The share of bait Asabei' alone was established at about L. 100.

613 682 683 672 558

As the Aqila of Bait Asabei', Shei'eb was responsible for collecting the money from members of his bait. But for the following six months he was unable to collect from any member of his bait, including Sheikh Hakim, Shei'eb's cousin and the wealthiest person in bait Asabei' and the Aggary Amar as a whole. Most of them gave the execuse that it was a bad year and they had lost most of their herds. When the money was not collected, 613 682 683 672 558 [115] the victims' families sent their representatives to demand that the money be paid. To face the situation, a meeting of all the Awaqil of Eilat Aggary was called and Sheikh Selouma, the Aqila of bait Eweidha, took the responsibility of notifying the other Awaqil. The meeting was held in the tent of Hemeida (my driver and informant) from the Sanagrah tribe. Each bait was represented by its Aqila with the exception of bait Asabei', from which both Shei'eb and Hakim were present. Since bait Asabei' was the only bait which did not submit to its share of the bloodmoney, the discussion centered around the inability of Shei'eb to collect it. In a gesture which he meant to appear as helping out Shei'eb, Hakim offered to pay not only his share but that of all members of bait Asabei', and followed his offer by handing the money to Sheikh Selouma. After this act which was a complete surprise to Shei'eb, Sheikh Slouma, the Aqila of bait Eweidha, suggested that Hakim should be considered as the Aqila of bait Asabei' instead of Shei'eb, who had demonstrated his inability to collect from members of his own bait. He emphasized the fact that he had nothing against Shei'eb who had legitimately acquired his position as Aqila by means of succession. But he insisted that the survival of the Amar depended upon the fulfullment of its financial obligations to outsiders and that Hakim was wealthy and could pay. Shei'eb did not comment and the rest of the Awaqil nodded indicating their agreement with Sheikh Selouma.

[124] The above is the summary of events that happened before I came to the area, and which were told to me by informants including the parties involved. Since most of these events occurred more than ten years ago,

613 it was impossible to verify the actual facts or to know what exactly
682 happened. But since the parties involved are still alive and since these
683 events are closely related to present-day happenings, the case is still
672 alive in the minds of the parties involved as well as those of outsiders-
558 Naturlaly, each party tries to present the facts in such a way as to
(124) support his own claims. Shei'eb, for example, insists that Hakim had
613 bribed members of bait Asabei' to refuse to pay their share in order to
682 embarrass him and make him appear as unable to perform his duties as
683 Aqila. "Hakim always had his eyes on becoming the Aqila of bait Asabei',"
156 said Shei'eb, "but he had no business becoming the Aqila, so he had to
558 make me look bad to the other Awaqil.... He likes to be looked up to as
a big man, but it wouldn't work." While other members of bait Asabei'
deny that Hakim had bribed them, they agree with Shei'eb that Hakim is a
156 dishonest man. In fact, Hakim's reputation is so widespread in the area
551 that it has earned him the nickname of "the thief". The nickname was
788 given to him a few years ago when he went to Mecca for a pilgrimage with
685 another fellow tribesman. The latter told the story that while in Mecca
Hakim had found a purse with two hundred pounds in it. He was supposed
to return the purse to the authorities or it would be considered as
stealing if he kept it. Stealing in Mecca is not only a crime but also
a great sin which makes the holy trip void for the offender. Hakim told
his companion that he had given the purse to the authorities. But later,
on their way back from Mecca, the friend found the purse hidden in Hakim's
luggage. When the story was known in the area, he was referred to as
156 "the thief". Other accounts of Hakim's dishonesty are told throughout
685 the area, including stories of how he acquired his wealth through stealing
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156 equipment from the government projects and from smuggling sheep and merchandise
[685]
[439] across the Libyan border. Although some of these stories might
be exaggerated, they all point to the fact that Hakim, despite his wealth,
is not the most popular or reputable individual in bait Asabei', and that
although Shei'eb is not a popular individual either, he definitely comes
up the winner in any popularity contest between the two. The question is
156 why Hakim was selected by the Awaqil to replace Shei'eb. The case involved
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558 more than Shei'eb's inability to collect the money from members of
682 his bait. Shei'eb's ineffectiveness seemed to have been taken as an excuse
683 rather than as the direct cause. Many Aqaqil, before Shei'eb, had
failed in collecting money from their own bait without being subject to
direct challenge. What seems to be involved is more than a challenge to
a particular member, Shei'eb. It is a challenge to the whole principle
by which Shei'eb acquired his position as Aqila of bait Asabei': patrilineal
succession.

156 Shei'eb is the youngest of four sons of the former Aqila of bait
159 Asabei', Sheikh Elewa. For more than fifty years Sheikh Elewa was the
613 undisputed Aqila of bait Asabei'. He also had considerable influence
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683 among other tribal segments throughout the whole of the Western Desert
554 by virtue of his position as "nazzar", that is, the expert who assesses
the amount of compensation for wound inflicted in a liable case. The
[428] position of nazzar is a hereditary one and had been handed down from
[779] father to son. The basis for his assessment of wounds are a number of
old books believed to be obtained from Mecca and contain all the judgments
of famous Islamic leaders in their assessments of wounds.

[428] Eleven years ago when Sheikh Elewa became blind and too old to

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The word mardi is derived from the Arabic verb "yardi" which means to accept or agree upon. The mardi therefore is the person who is accepted by one or both parties to a dispute as a mediator. If he is accepted by only one of the parties, his work is more that of a legal representative of that party. He makes all efforts, using all powers of persuasion to get the other party to concede to the demands of the party he represents. If, on the other hand, he is chosed by both parties to a dispute, he acts as an impartial judge and avoids taking sides in the case. His fame is determined by his ability to achieve permanent, long-lasting settlements. His success in this area depends, in addition to personal qualities, upon the respect he has within his own tribal segment and the weight that tribal segment has among other tribal segments. Similarly, his success and the fame he gets as a mardi may give him considerable influence within the bait. But this influence does not develop into authority because the mardi in this case does not have an established basis for the effective maintenance of that authority, in this case, patrilineal succession.

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The other domain within which the Aqila performs his duties is that of the Eila or the amar. His main function within this area is to represent his bait in matters involving the collection or the distribution of bloodmoney within the vengeance group. Within the amar, the aqila is considered successful insofar as he is able to fulfill his bait's financial obligations to the amar. This ability is in turn determined by his success in collecting money from individual members of his bait and/or his willingness to pay from his own money for those members who are unable or unwilling to pay their share. Where kinship ties are strong, the Aqila

613 usually has no difficulty collecting the individual shares. His own
682 [554] financial ability is rarely called upon. When a member is unable to
[178] pay for any reason, his share is divided among the able members. However,
in recent years this seems to be changing, especially among the baits
closely located to the settled communities or the urban centers. Among
613 these baits individual mobility has increased significantly with a large
178 166 number of younger members either leaving the area for the urban centers
464 or accepting salaried jobs with the government organizations. Among
369 certain baits in the area of Burg el-Arab, for example, the percentage
of adult males engaged in such jobs sometimes reaches sixty percent.
More than thirty-five out of fifty-six males constituting bait Asabei'
have a full-time or part-time job.

613 The individualistic attitudes accompanying the dependency on sal-
178 aries and living in towns and cities have their effects on the kinship
166 464 ties among members of these baits. With the prevalence of the individ-
682 ualistic attitudes among members of a certain bait, they become more
369 reluctant to pay their financial obligations and the Aqila finds it more
and more difficult to rely, for the fulfillment of the bait's financial
obligations, on the willingness of members to pay. His success within
613 554 the domain of the amar becomes more determined by his ability to pay
556 from his own money for those members of his bait who refuse or are un-
682 able to pay. Wealth becomes an important asset for the Aqila's per-
formance of his duties within the amar. When this happens, there seems
to be a certain shift in the source of political support for the Aqila.
613 In a well-integrated bait the popularity (or unpopularity) of the Aqila
554 among the other Awaqil of the amar had very little influence on his

582 some reason or other cannot marry his cousin, he still has that legal
claim on his cousin. She cannot marry another man without the consent
582 of her cousin. He has the right to forcibly take her away and even
682 kill her or her husband in protection of his right. Although in the
few cases where this had happened in the past, the groom had to pay full
blood money. Such killing, however, was considered as justified and
never resulted in retaliation or feuds among the tribal segments involved.

582 However, it is difficult to call cousin marriage among the group
124 "preferential" marriage. In a limited quantitative study I asked 35 tribal members who have unmarried daughters over the age of 12 the following question: "If you had your choice, to whom would you give your daughter in marriage: your brother's son or another man who is wealthier or more respected?" Twenty-six said they would rather have their daughters married to someone other than their nephews. The reasons given were that their nephews did not make enough money to either pay her a good mahr or to support her without outside help. The nine who preferred to marry their daughters to their nephews emphasized the fact that the girl's cousin is likely to look after her interests and take care of her more than the outsider "who may not fear God in his treatment of my daughter," as one of the respondents to the questionnaire expressed it. They also said that their nephew is more under their control than the outsider. They further maintained that a person is likely to know his nephew more than he knows an outsider or a more distant relative. One of the informants put it, "Even if my nephew is a cheat, at least I know that this is all that is wrong with him." All thirty-five informants felt that they were obliged to give their daughters in marriage

593 586 and expenses to the husband that constitutes the most important check
(583) on the otherwise undisputed right of the father to take away his daughter.

593 The woman, on the other hand, cannot refuse to go with her father,
562 for this means that she would be disobeying him. A woman who disobeys
586 her father is not worthy of his name. He can cut her off from the family, which means that she is left without any support or protection. A woman who is cut off from her family is left vulnerable to her husband and to society. She will have nobody to defend her or to be responsible for her actions. The responsibility for the woman's behavior is not transferred by marriage to the husband or his family.

682 If the woman kills or assaults someone or causes damage to property
683 for which compensation is required, her male kin pays the blood money or
602 the compensation on her behalf. It is sometimes stated that if the woman
613 562 has grown-up sons, they, and not her family, pay for her. Since the
593 children belong to their father's family, it may seem like transfering the responsibility for the woman's actions to her husband's family. However, in all three cases where this happened, the woman was quite old, her father was dead, and her brothers were either dead or had moved outside the area and had cut off all relations with the area. She also had no nephews in the area. In such cases, the sons were the woman's closest male kin.

682 On the other hand, if the woman is the victim of murder or assault
683 for which blood money or compensation is to be paid, the husband is the
593 562 one to benefit from the situation. To understand why this happens, we have to consider the contractual nature of marriage among Awlad Ali. It
584 583 has been mentioned earlier that before marriage is final, the prospective

584 husband or his father pays the woman's father the bridewealth, or mahr.
583 In exchange for the mahr, the husband expects his father-in-law to outfit his daughter with such items as rugs, blankets, and a few other household items, like cooking pots, serving dishes, and a metal or wooden chest
[422] to keep her clothes in. These items become the private property of the wife, but the husband has the right to use them. In addition, the man
581 expects to gain certain rights to the woman. The customary law of Awlad
671 585 Ali gives the husband three basic rights over his wife: the right to her sexual services (including the right to bear him children); the right to her labor in domestic activities; and the right to her obedience. Of the three rights, the first is the most exclusive. Not only doesthe husband have a complete monopoly over his wife's present sexual services, but he also has the right, if the girl has never been married before, to be the
[583] first to use such services. If he discovers that she is not a virgin, he can send her back to her father and get back his mahr.

581 The other two rights are not as exclusive. The husband's right to
585 his wife's domestic labor does not prevent her from occasionally helping
593 out in her father's or brother's household, especially if they live nearby. Finally, the husband's right to be obeyed by his wife is always subordinated to that of her father, who retains the ultimate authority over his daughter.

● 682 If the woman is killed or injured, the husband is deprived of all
683 or some of her services, depending on the seriousness and the permanence
581 of the injury, and therefore is entitled to compensation. The right of
585 593 avenging the woman's murder remains, however, that of her family, since she is still a member of that family.

684 of drastic actions taken in cases of adultery. Of the fourteen cases
613 562 of adultery that I examined furing my field work, none resulted in the
593 killing of the adulteress, and only three resulted in the murder of her
[114] partner. In all three cases where the adulterer was killed, the avenger
684 was the husband; and in all three cases, the husband had to pay the
682 613 bloodmoney to the murdered man's kin group. His payment of the bloodmoney, among other things, may indicate that the right of the husband to kill the adulterer is not completely accepted among Awlad Ali. All
[628] agree, however, that such killings never result in blood feuds because of the shameful circumstances in which the victim dies.

684 It was very difficult to obtain any detailed or reliable information
126 about adultery cases. All the above mentioned fourteen cases were gath-
[124] ered from the informants, twelve of which were cases which had already been solved. For the two cases which were still open at the time of the study, information was quite vague. Usually such cases are conducted with a great amount of secrecy, with the involved parties referring to them as cases of theft, or merely by saying that the cases involve women. Only when the adultery leads to the killing of the adulteress or the adulterer are more details publicly known about the case.

684 But while the right to retaliate for the shameful action of an adulterous wife is vague and diffused, the right of the husband for compensation from the adulterer remains clear and undisputed. In this resepct, adultery is treated very much like theft; the adulterer has stolen the husband's exclusive right to his wife's sexual activities. The com-
[583] pensation for this offense is estimated at L.E. 20, in addition to the
[586] mahr, if the husband decides to divorce his wife as a result of her adultery.

CHAPTER VI

HOMICIDE AND BODILY INJURIES

Part 1: Homicide

579 Fighting is quite common among Awlad Ali. Many of these fights
involve a large number of individuals and result in many casualties
579 and sometimes even deaths. Fighting is considered "shar," or evil,
673 for according to Awlad Ali, it threatens the social cohesion which is
182 highly valued in the area. Yet, although undesirable, fighting and
• [682] even homicide are not considered a crime against society and sometimes
are viewed as necessary to safeguard individual and collective rights
in the absence of an established authority which could protect these
[177] rights. Although this absence of an authority is remedied now by the
[692] introduction of state administrative justice, this has not yet achieved
enough efficiency and recognition to replace the old tribal system.

619 In the tribal system, there is no concept of individual punishment
681 inflicted upon the suspect. There is no recognized authority to inflict
692 it. The mardi or the 'aqila who performs the function of dispute settlement
[627] in the case of homicide has no power to pass or inflict any punishment.
His role is restricted to mediation between the two parties involved
682 as was earlier mentioned. Homicide, like all other wrongs among Awlad Ali,
673 are private wrongs affecting the individual or a group of individuals.
[182] The main purpose of the tribal proceedings in the case of homicide is to
restore some form of harmony and order among the group. This harmony is
sometimes restored by killing the murderer or any member of his vengeance
682 group, or amar. Feuds may result from such killing, and a few instances
628 of feuds have, in fact, been recorded in the area (although not in the

682 last two decades). But a feud in the form of extensive, long-term kill-
628 ing between two groups is very rare among Awlad Ali. The principle of
life for life upon which a feud operates would rarely lead to a permanent
settlement or peace, even when the sense of revenge is satisfied for the
682 moment. Among the group, this form of permanent settlement is more likely
to be achieved through the payment of bloodmoney, or "diyya." The payment of the diyya is based on the assumption that the group has lost, in the deceased, an economic asset. It has been deprived of his services, both in supporting his immediate family and in the collective activities of his amar. This is illustrated in the distribution of the bloodmoney. Only half of the bloodmoney is paid to the immediate family of the victim, the other half being divided equally among adult males of his amar or vengeance group. This is intended not only to satisfy their sense of indignation and curb their desire for revenge, but also to insure that when the time comes to share in the payment of the bloodmoney, they will pay.

628 The cessation of feuds in the area seems to coincide with the cessa-
619 tion of inter-tribal and intra-tribal warfare. During the era of tribal
726 warfare, the killing of a tribesman meant the loss in the fighting power
178 of his tribal segment, and feuding, with its emphasis on life for life,
had the purpose of restoring the balance in fighting power among the
[682] groups involved. Monetary compensations were not known in the area dur-
ing that time, according to the informants' accounts, but they were usu-
ally restricted to cases where either the victim or the killer was a
178 non-tribal person. With the cessation of tribal warfare, the death of
682 a tribal member became more an economic, rather than a political, loss,
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726

178 and compensation became more and more accepted in settling murder cases
682 among the tribal population. Bloodmoney, or diyya," was established
[619] among compensations for injury in general. This scale of compensation
[726] 682 is based on the amount of loss of normal activities the injury caused
the victim with death being the total loss of such activities. The
compensation for homocide is estimated at L.E.400 for intentional kill-
682 ing, and L.E. 300, for unintentional killing. Although reference here
673 is made to "intention," the assessment of that intention and its defini-
672 tion are quite different from the general usage of that term among modern
jurists. Among modern jurists, the term refers to a state of mind which
implies that the offender willfully and knowingly committed the prohibited
act. This means, first, that the person is able to recognize the nature
of his act and to distinguish between right and wrong. Secondly, it means
that the person was in a position to choose between committing the act
and not committing it and took the former path. According to this view,
individuals under temporary or permanent insanity, children under the
legal age (the definition of which varies from one legal system to another),
non-human beings and objects are not capable of having criminal intent,
since they are incapable of having a will of their own. Similarly, indi-
viduals who are capable of having a will but, because of certain circum-
stances their freedom of choice was impaired, cannot also have intentions.
Intention, then, in the modern legal conception is a psychological qual-
ity that connects the offender with the prohibited result or results. It
is this psychological connection that differentiates in modern legal sys-
tems between murder and manslaughter, between attempted murder and simple
assault, between first and second degree murder, and between justifiable

●682 672 673 and unjustifiable homicide. To examine responsibility in homicide among Awlad Ali and their definition of "intentional" and "non-intentional" killing, let us first present some of the cases collected from the area.

682 672 312 [184] [428]

CASE #1: The Case of the Broken Rope

This is one of the classical cases which is told throughout the entire area. There is some slight variation in the way it is told, but all accounts refer to the fact that Hemeida from the 'Esheibat tribe inherited the right to use a large area of tribal land in which there was an old Roman well not used for a long period of time and which was full of sand. One day he invited the awaqil of his tribal segment, as well as his neighbors, to consult them on how to clear the well, since without it the land was almost useless. They all decided it was a good idea and offered their help. On the day the well was to be cleared, they all gathered around the well. Among those present was Do'ah, a poor member of the 'Esheibat tribe who worked as a paid shepherd for Hemeida. He was watching from a distance when Hemeida called upon him to give a hand. The well, like all Roman wells in the area, is about fifty feet deep and fifteen feet in diameter, and narrows as one goes down the well. To be cleared, someone has to be lowered by a rope to the bottom of the well to dig up the sand. Hemeida's cousin, Ali, agreed to go down, and the gathering looked for a sturdy rope which they found at one of Hemeida's neighbors. As the group was tying Ali to the rope, Hemeida suggested that Ali was too heavy for the rope and that it would be a good idea if a slimmer man did the job. At this point, everybody looked at Do'ah, since he was the thinnest

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312 person in the crowd. So, Do'ah volunteered to be lowered down to clear the well. He then proceeded to the well, glanced at the bottom of it, and threw a small stone to see if there was any water left in it. The stone made a faint splash indicating that there were a few inches of water. After that, he examined the rope and the equipment used. Satisfied with everything, he tied the rope around himself and was lowered very slowly and carefully by the crowd at the top of the well. As Do'ah was more than half-way down, the rope broke, and he fell. When the crowd called him, Do'ah answered in a faint voice telling them that he was hurt but that he would be all right. The crowd then looked for a spare rope to lower somebody to get Do'ah but could not find any in a nearby camp. They sent a man to get a rope from the next camp, but by the time a man was lowered to get Do'ah, he was dead; he had drowned in six inches of water.

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[625]
[613] Since the place of the accident was close to the police station, word got to the officer who, after investigating the case, ruled it as accidental death. But while the government authorities were investigating the case, members of the Bait to which Do'ah belonged were proceeding with the customary ways of Awlad Ali to claim bloodmoney for their dead kinsman. The idea was that a life had been lost, and that regardless of the police investigation, someone must pay for it. The question was who. Since the well belonged to Hemeida, Do'ah's relatives insisted that he was the one to pay the bloodmoney. Not denying the fact that someone had to pay for the death of Do'ah, Hemeida insisted that the one to pay was the

682 owner of the rope, since it was the broken rope that had caused
672 the death of Do'ah. The case stayed unsolved for more than two months, a record for dispatching of criminal cases in the area.
682 In the final Mi'ad, the main question was whether or not the owner
672 of the rope was responsible for the death of Do'ah, and therefore
627 liable for the payment of the bloodmoney. After extensive negotiations with the parties involved, Sheikh Selouma, the aqila of Hemeida's Bait, who had also been accepted by Do'ah's family as the Mardi in the case, convened the Mi'ad and announced the settle-
682 ment. His announcement came after reading certain passages of the
672 Koran and reminding the parties that they were all members of Awlad
627 Ali and therefore brothers. He stressed the necessity of all bro-
695 thers having clear hearts toward one another and not allowing worldly disputes to leave any impurities among friends. He then came to the conclusion that there were two things responsible for the death of Do'ah. The first was Hemeida's decision to clear the well, for had it not been for that decision, the accident would not have happened. The second thing responsible was the rope whose breaking was the direct cause of the death. The responsibility here applies only to the rope and not to the owner of that rope. The reason Sheikh Selouma gave for not holding the owner responsible for the death of Do'ah was that the rope by itself is not a lethal weapon for which the owner has to exercise a great deal of caution in lending it. To make the owner responsible for the death of Do'ah would, according to Sheikh Selouma, discourage anyone from lending anything to his neighbor for fear of becoming liable for any harm it might cause.

682 "...It means that I will never lend my cooking pot to my neighbor
672 lest his child trip over it and I would be asked to pay his blood-
627
695 money."

So, the bloodmoney was divided into two sections, one to be paid by Hemeida, and the other to be the responsibility of the rope, which meant that the victim's relatives only took home half of the bloodmoney.

683 CASE #2: The Case of the Curious Neighbor

682 This is the case of 66-year-old Selouma whose barley land
578 bordered that of Muftah, a distant member of the same tribe. A
672 small area of rocky land separated the two areas. Throughout the time that Muftah was preparing his land for barley cultivation, Selouma used to sit on the dividing rocks, observing his neighbor work on his land and making jokes about the amount of time and effort Muftah was putting into his land, especially when it looked like a dry year, anyway, and no barley would be cultivated. For more than a week Muftah tolerated his neighbor's remarks. "I always said to myself, 'Don't follow the devil... He is an old man and doesn't know what he is saying.' But that day I could not take it any longer. My wife and children were sick, and I didn't have any money to bring them medicine or even food. I wanted to finish preparing the land because it looked like it was going to rain that day. I went to the area I was working on when Selouma started his jokes. I was mad. I took a small stone and threw it at him to scare him and make him stop. The stone hit his leg. It was a small stone, and I didn't think it would harm him. Actually, he stood on his

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682 feet after that and left." It seems that later the wound got infected.
672 Six months after the incident, Selouma was taken to the
[578] hospital with an infected wound, and three days later he died from
that infection. Selouma's son, Ali, demanded that Muftah pay a
full bloodmoney (L.E. 400) for the death of his father, since the
death was directly caused by the wound inflicted by Muftah. Muftah
denied the charges and claimed that the infected wound which caused
683 the death of Selouma was not the one inflicted by the stone. Mediations
682 continued for some time, and when no agreement was achieved,
672 the aqilas of the two baits to which the parties belonged declared
695 that the decision should be made by the oath which Muftah had to
613 take if he insisted on his claims that the wound was not caused by
his action. Since the case involved the life of a man, Muftah had
to be supported in his oath by fifty-five adult male members of
[671] his 'amar, or 'eila. In accordance with the Daraieb, the selection
[778] was done by members of Selouma's Bait who also selected the tomb of
the saint where the oath would be undertaken. On the date the oath
was to be taken, the disputing parties, as well as all the notables
of friendly tribal segments who were invited to witness the oath,
went to the tomb of the saint. As they started with the procedures,
[784] two of Muftah's cousins who were to support him in the oath and his
uncle refused to swear on the grounds that they were not sure that
Muftah was telling the truth and therefore could not subject themselves
to the supernatural hazards of taking a false oath. Attempts
by other members who were to support Muftah were made to force the
three men to swear, since their refusal meant that the bloodmoney

683 was to be paid unconditionally and consequently would cost all
682 members of the amar; but all these attempts failed. At this point,
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695 there was no doubt on the part of the attending crowd about Muftah's
613 responsibility for the death of Selouma. The question was, how much
had he to pay. The amount requested by Selouma's son was that for
"intentional" killing on the basis that Muftah had willfully thrown
the rock knowing that it might harm Selouma, especially considering
his age.

683 After long and intensive negotiations with the interested
682 parties, a Mi'ad was set in which it was announced that Muftah had
672 to pay the amount of L.E. 200. In his reasoning, he stipulated
627 that the wound which had caused the death of Selouma, although it
was intentional on the part of Muftah, was inflicted by a stone
which in itself is not a lethal weapon, and therefore the death
was an unintentional one for which the bloodmoney is customarily
estimated at L.E. 300. He also stated that in the excitement that
[845] followed the death of Selouma, Muftah's pregnant wife had lost the
child. The bloodmoney for the still-born infant was estimated at
L.E. 100, which was deducted from the amount of bloodmoney that
Muftah had to pay.

CASE #3: The Case of the Trespasser

311 This case occurred during the year of the fieldwork which was
423 the second dry year the area experienced. Rain had not fallen ex-
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[132] cept in a very few places. One of these places was near the small
town of Sidi Barrani in which the land belonging to Yadem and his
Bait was found. Yadem had sown his barley which at that time had
grown to about five feet high. Surrounding the cultivated land

311 423 was a large area of grazing land which also belonged to the Bait
613 of Yadem. The area attracted a large number of tribesmen who
233 brought their herds for grazing. One of these was Kuraiem from
311 Awlad Kharouf tribal segment. He brought his wife and child and
619 613 a herd of more than two hundred sheep and goats. Although it is not proper for one to cultivate the land belonging to another tribal segment, yet, when it comes to grazing land, no such restriction is imposed. Only the permission of the aqila of that tribal segment is required, and even that is granted so automatically that many tribesmen do not bother to ask for such permission. Kuraiem took this permission for granted and pitched his
233 tent in the grazing land of Yadem and his Bait. Yadem, however,
311 was disturbed because he thought that Kuraiem grazed his flocks in
578 an area very close to his cultivated barley, so close that he feared that the animals might eat the growing barley. When Yadem asked Kuraiem to move a little further and Kuraiem refused, they entered into an argument during which Yadem told him that if he did not move by the following day, he would break his neck. The following morning Yadem went with his brother to see if Kuraiem was still there. Both Yadem and his brother were armed with heavy sticks. As they reached Kuraiem's tent, they hit him with the sticks on
• [682] the head. Kuraiem fell on the ground, and they kept hitting him until he was dead.

682 In due course, Kuraiem's family claimed L.E. 400 bloodmoney
672 for the intentional killing of Kuraiem. Yadem and his family rejected the claim and insisted that the killing was unintentional. The
[627] Mi'ad was held, and the two Mardis selected by the two parties

682 agreed that the sticks were not by nature lethal weapons. The
672 latter, according to the tribal law, are only guns and knives,
627 since they give the victims no chance to defend himself. They
ruled the case unintentional killing for which only L.E. 300
should be paid.

682 Since Yadem and his brother were arrested by the police for
625 their crime, the payment of the bloodmoney was postponed until
692 the case was settled according to the state legal system. Only
half of the bloodmoney was paid and the rest was postponed until
the case was decided upon by the legal system and Yadem released.
682 This is obviously a case in which the nature of the killing was
672 decided upon by drawing upon the material aspect of criminal
673 causation. The nature of the weapon used was the major determinant
[411] of the crime. Only guns and knives are defined as lethal; all
others are non-lethal by nature, although they might cause the
death of the victim. Death caused by a non-lethal weapon is considered as unintentional, regardless of whether or not the actor intended the results, while death by a lethal weapon, even without the intention of killing, is classified as intentional killing, as appears in the following case.

CASE #4: The Case of the Threatened Tribesman

613 For more than five years Bait El-Mawi from the Sheibat tribe
628 had been in a continuous state of feud with Bait El-Asi from the
Gemeiat tribe. One night, during a Khamasein sand storm when visability was extremely low, Abd-el-Galil from Bait El-Mawi heard a noise outside his tent, and the dogs were barking indicating that a stranger was there. Being sure that someone was approaching

613 the tent and fearing that he might have been a member of the
628 feuding Bait intending to harm him or members of his family,
Galil took his gun and went outside to see who was there. He
called on the person to identify himself. When he got no answer,
he warned him that unless he identify himself, he (Galil) would
fire his gun in the air as a warning. After a short period of no
613 response, Galil fired his gun in the air. A moment later, Galil
628 heard a cry coming from the direction of a small hill at the side
682 of the tent. When Galil went there, he found Salem, a member of
a neighboring camp, lying on the ground with a bullet wound in his
stomach. He told Galil that his wife was sick and that he had
come to borrow Galil's donkey to take her to the doctor in the
nearby medical center. He had taken the short cut to Galil's tent
when he was hit by the bullet which Galil had fired in the air.
Galil took his wounded neighbor to the medical center, but Salem
died before they reached it.

682 The Mi'ad was held, and Galil and his family had to pay L.E. 400
672 to the victim's kin group. The amount was that specified for in-
627 tentional killing, since the wound that caused the death was in-
673 flicted by a lethal weapon.

CASE #5: The Case of the Startled Shepherd

233 This case involves Idris, a poor member of the Sheresat tribal
[464] segment. He earned his living by working as a hired shepherd for
[619] 'Awwad from Bait Ibrahim in the area of Gharbaniat. During the dry
[312] season, each shepherd takes his flocks to the water wells near the
coast and leaves them there for three or four hours to get their
fill of drinking water. That afternoon, Idris, waiting for the

233 animals to drink, sat on the edge of the well with his feet in the cool water of the pool completely absorbed in his thoughts amidst the quiet surroundings. Passing by the pool at that time was Mahdi
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576 from a neighboring tribal segment. Seeing Idris (whom he had not
165 known), he shouted the customary greeting, "Peace on you." Startled by the voice of Mahdi, Idris lost his balance and fell in the deep water of the pool. Mahdi rushed to help him, but the water was too deep, and Idris drowned. Feeling sorry for Idris, Mahdi took the flock and went back to the camp of Idris where he informed the latter's wife of what had happened. A few days later, Mahdi was
● 682
627 paid a visit by Sheikh Elewa, the aqila of Bait Asabei' and known
[613] mardi in the area who informed Mahdi that the family of Idris was demanding the payment of the sum of L.E. 300 for the death of their
682 relative. A Mi'ad was set for the following week. In that Mi'ad,
627 and after Mahdi admitted that it was his greeting that had startled
672 Idris and caused him to fall in the well, the two Mardis represent-
613 ing the two parties agreed that the payment of the sum of three hundred pounds was in order and that Mahdi and his amar must pay it to the victim's family as soon as possible. At first, Mahdi seemed to accept the judgment of the two Mardis, especially when both were prominant members of some of the influential tribal segments in the area. But Mahdi was a poor man, and his amar was very small in number, which made the payment of the bloodmoney almost impossible.
682 Although appeal in the ordinary legal sense does not exist in such
627 a system like that of Awlad Ali, where no judgment is forced upon
672 any of the disputing parties, and where the pronouncement of the
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682 settlement is usually made after the parties have agreed to it,
627 yet, in certain instances where one of the parties later feels that
672 the settlement was not just or that he was coerced into accepting
695 it, he may ask for a second Mi'ad during which new procedures start
in the case. In the present case, although Mahdi had originally
accepted the judgment of the awaqil, as time passed and he realized
that he was unable to pay the bloodmoney, he started to question
682 the feasibility of the settlement. He discussed the matter
672 with Sheikh Suliman el-Gerery from the Murabiteen tribe of Gerera,
695 a tribe whose members are feared throughout the area for the belief
554 that they have certain supernatural powers. Sheikh Suliman himself
792 is highly respected, and people believe that after his death he will
[776] become "wali" or a saint. After hearing Mahdi's complaint, Sheikh
Suliman told him that the settlement was unjust and told him that he
would do something about it. The following Thursday, Sheikh Suliman
called on Mahdi and asked him to bring his donkey and follow him.
They rode to a small desert town called Bahig where the local market
613 is held every Thursday. On market day, the awaqil of various tribal
517 segments usually gather in front of the general store in the town
571 443 drinking tea and chatting until their sons or the younger members
576 of their families sell the sheep and buy the necessary items. Everyone
passing by the gathering is expected to greet the gathering, getting
off his donkey as a sign of respect to the prominent people.
[689] Failure to greet a fellow tribesman is considered a serious offense
liable to a fine of more than L. 50 and ten goats in certain cases.
[673] It is considered a very serious crime. One informant once told me,
000

One informant once told me,
124 "If you don't greet me, this means that you hate me, and if you
576 hate me, there is no limit to the kind of harm you can do me and
829 my family. One who hates you can kill you, and none can walk
safely anywhere if he fears that he will be killed."

682 As Sheikh Suliman and Mahdi reached the general store, every-
689 one was gathering there as usual, including the two awaqil who
672 were involved in the original settlement. Sheikh Suliman told
695 Mahdi not to dismount his donkey and not to say the customary
554 greeting as they passed by the gathering. When they passed the
792 gathering, everyone stood to greet Sheikh Suliman who ignored them
576 and left with Mahdi. No one believed that Sheikh Suliman, who
should be the guard of the tribal tradition, should commit such an
unforgivable violation of the norms of the people. The next morn-
682 ing the whole area was talking about a big Mi'ad to "take the right"
689 from Sheikh Suliman and Mahdi, who had insulted the gathering. The
672 Mi'ad was held a week after the incident. During the Mi'ad, Sheikh
695 Suliman was asked to explain his behavior, and his answer was, "How
554 do you want me to greet all those people who were sitting in front
792 of the store? There were more than thirty men in that gathering,
576 and I was afraid that if I said the customary greeting, I might
627 have startled some of them causing them to harm themselves, leaving
me with the payment of so many bloodmoneys." Immediately, the
attendants of the Mi'ad knew what Sheikh Suliman was referring to,
and that his action was to prove that the settlement reached in
the case of Mahdi was wrong and that it set a very dangerous precedent which would cause people to avoid greeting one another, "and hatred will prevail among brothers and nobody will be safe in his own home."

000 own home." The following morning a Mi'ad was called for by the two
627 aqila who achieved the first settlement, and in it, Mahdi was re-
613
682 leased from his obligation to pay the bloodmoney, although he was
695 asked to pay the sum of fifty pounds to the widow of the deceased
as a gesture of friendship.

CASE #6: The Case of the Careless Guest

574 The present case involved Ali from the Geneishat tribe who
682 lives in the desert town of Matruh where he has a general store.
He goes on frequent visits to Alexandria to get supplies for his store. On one of these trips he passed by the camp of 'Awad from a different tribal segment. Hungry and tired, Ali decided to spend the night at the camp and continue his trip the following morning. He went to the first tent in the camp which happened to be that of 'Awad, who welcomed him and ordered his wife to prepare dinner for the guest. He then invited other members of the camp to have tea with the guest as a gesture of hospitality. When Ali sat down to eat, he took off his shoes, and put his rifle against a pile of rugs and blankets behind him. As the group was chatting, a goat belonging to one of the invited neighbors entered the tent where the men were sitting. Afraid that it might soil the carpets which he had put out for the guest, Awad chased the goat out of the tent. On its way out, the goat touched the guest's gun which fired, killing Hussein, the brother-in-law of one of the neighbors.

682 The local authorities were notified of the incident, but after
627 conducting a preliminary investigation, they filed the case as acci-
dental death. The tribal proceedings continued, however. After

682 negotiations between the parties involved were conducted by their
627 respective awaqil, a Mi'ad was set, and the settlement was
682 announced. According to the terms of the settlement, three factors
672 contributed to the death of Hussein: the goat, whose activity was
627 directly related to the death by causing the gun to fire; the host, who had chased the goat, causing it to run over the gun and fire it; and the guest, without whose negligence in leaving the gun loaded the accident would not have happened. The bloodmoney was divided into three equal parts, one of which was to be paid by Awad, the host, the other to be paid by Ali, the owner of the gun, and the third part to be attributed to the responsibility of the goat and therefore would not be paid.

CASE #7: The Case of the Adulterous Wife

684 For more than a year, rumors spread in the area of Burg El-Arab that Ghenewa's wife was having an affair with Goma'h, a friend of her husband and a member of a nearby camp. Ghenewa was operating a small store and was also involved in smuggling goods from Libya; both required him to be away frequently and for fairly extensive periods of time. According to the rumors, as soon as he left, his wife would put a white cloth on the laundry line as a sign indicating to Goma'h that the husband had left and therefore the former could come and visit her. When the husband heard the rumors, he was furious and decided to test his wife. He pretended that he was going to Alexandria as usual, went to the train station, waited until the train had left, and then returned to his tent. As he entered the tent, he found his wife and his friend in a compromising situation. Before
[682] he could do anything, the friend grabbed a kitchen knife and attacked

684 682 the husband, who reached for his gun and fired at Goma'h. Three
days later the latter died in the hospital from the gun wound.

684 682 672 The case was investigated by the police and brought to trial,
but the case was dismissed as justifiable homocide by reason of
self defense. The tribal proceedings, however, required Ghenewa to pay the bloodmoney for intentional homocide, since the weapon used was a gun. Out of the L. 400 bloodmoney, the sum of L. 20 kabara for committing adultery with the wife was deducted. None had questioned the right of Ghenewa to kill Goma'h in the process of defending himself.

671 In his essay on "The Early History of Malice Aforethought" in
672 English law, Maitland discussed the "utter incompetence of ancient law to take note of the mental elements of a crime" (1911:327). This statement seems to apply to certain aspects of the tribal law of Awlad Ali. If one causes the death of another, even accidentally, he is liable to
671 compensation. This attribute is not restricted to Awlad Ali law, for
672 it has been documented by a number of other studies. Peristiany found
171 this to be the case among the Potok (1954), and Dundas documented it among the Kikuyu (1921). In his analysis of injury and liability among the Barotse, Gluckman maintained that "whatever the motivation of the killer or the circumstances surrounding the deed, bloodmoney has to be paid if a member of one grouping of kinsmen was killed by a member of some other group. The mental element seems to be irrelevant. What is important is that "murder" is committed within social relationships where blood compensation is due (1963:205). Similarly, Howell gives us one of the most comprehensive accounts of the Nuer "rule of law" and

671
672 the irrelevance of intention in establishing liabilities for homocide
171 or injuries (1954).

672 The neglect of intention in assessing liability in cases of homo-
682 cide is evident in the cases presented above (Cases 1,2,4,5 and 6),
where compensation was paid although there was no intention established
on the part of the offender.

Awlad Ali use the Arabic word "katl" to refer to any killing. This
[192] is different from the word "mut" which means death by natural causes.
They further differentiate between "katl 'amd," or intentional killing
682 and "katl khata," or unintentional killing. Although reference here is
672 made to "intention," yet, from the above cases it is evident that the
673 basis of establishing that intention is from the type of weapon used in
effecting the death of the victim. Intentional killings are those caused
[411] by a lethal weapon. Lethal weapons are defined as guns or knives.
Death caused by a non-lethal weapon, no matter what the intentions of the offender, is defined as non-intentional, even when the circumstances of the act indicates the actual existence of an intention on the part of the offender to cause the death of the victim (as in Case #3 above). The assumption is that the use of lethal weapons, such as daggers or guns, implies intention and possibly a certain degree of premeditation, since these weapons have no other important use. Moreover, the probability of death by a lethal weapon is much greater than from other non-lethal weapons. These give the victim a chance to defend himself, a chance which he does not have in the cases of killing with a gun or dagger. In other words, Awlad Ali, in assessing responsibility for homocide, "operate with a legalistic psychology in which intention is is presumed from action" (Gluckman, 1963:207).

682 In practice, Awlad Ali do look at actual circumstances to assess
672 the intention of the offender. Although compensation is always required,
the readiness of the victim's kin group to accept a financial settlement
and the final amount to be paid in a given situation is affected by the
presence or absence of an intention on behalf of the offender. In assessing
the actual intention of the offender in each case, the mediators rely
on the circumstances of the crime as well as on the past history of the
relationships between the offender and the victim. Although this actual
intention of the offender does not change the payment of bloodmoney, the
deceased's kin are more agreeable to the acceptance of the financial
settlement if the killing is unintentional than if it is intentional and
the possibility of revenge is much less imminent. Unintentional killing,
regardless of the weapon used never results in blood feuds. The possibility,
on the other hand, is much greater in the cases where the circumstances
of the offense indicate an intention on the part of the killer to
[978] take the life of the victim. It is for this reason that the right of
nazala, or refuge, discussed in an earlier chapter, is resorted to only
in the case of intentional killing. Of all the cases described in the
chapter only in the case of the trespasser did the killers' kin group
seek refuge by moving to another area where they were protected until
the dispute was solved by another neutral tribal segment. It is important
to note that killing in the above case was not done by a lethal
weapon but by sticks, and as such was defined by the tribal law as "unintentional"
as far as the formal amount of compensation required was
concerned. Not all cases where the intention of the offender to kill
[671] the victim is clear carried with it the threat of revenge. The tribal
law takes into consideration certain mitigating circumstances, such as
the role of the victim in initiating the act of the
offender.

000 the role of the victim in initiating the act of the offender. In the
684 case of the adulterous wife (Case #7), the intention of the husband to
682
672 kill the wife's lover was clear from the evidence; yet, the husband's
kin group never attempted to take refuge, and the victim's group was
eager to settle the case with the least amount of publicity. On the
682 other hand, killing in circumstances that offend the tribal standards
672
183 of chivalry, like killing from ambush or during the night, are the most
difficult to solve and pose the greatest chance for retaliation.

682 Although the traditional amount of compensation is not determined
672 by the actual intentions of the killer, but rather by assumed intentions
[673] as deducted from the type of weapon used in causing death, yet, the final
amount paid is usually determined by such intention. The actual intention works as the basis for bargaining between the victim's kin and the kin of the killer. Kin of the victim of an intentional killing are less likely to agree to any reduction of the amount, and with the threat of retaliation or revenge present, the killer's kin are bargaining from a weaker point. This is not the case in unintentional killings or where the victim's behavior instigated the reaction of the killer. In such cases, the victim's group is more willing to accept a lesser amount of compensation, and the killer's group, while not in a good bargaining position, at least are not under the threat of revenge. And since they do not resort to the right of refuge, their daily activities are not disrupted. In this case, they could sustain the bargaining activities for a relatively longer period of time. Also, there is usually a strong
[626] pressure on the victim's group to accept reduced compensation in the
case of unintentional killing from the rest of the tribal members. If

682 they refuse to accept reduced compensation, they are viewed as unreasonable
672 by the rest of the groups in the area. One way in which such pressure
[626] is brought to bear upon the victim's acceptance of reduced compansation
682 is in the mi'ad, or the public hearing, in which the settlement achieved
672 is announced. The common practice is for the killer's group to agree to
627 pay the full amount specified by the traditional scale for compensation
(L.E. 400 for killing with a lethal weapon and L.E. 300 for killing with
a non-lethal weapon). Then, in the final mi'ad in which such agreement
is achieved, a number of important members of non-involved tribal segments
are invited to the mi'ad. During the mi'ad and immediately following the
announcement that a settlement has been achieved and that the kin group of
the killer has agreed to pay the traditional bloodmoney, the mardi or any
one of the attendants to the mi'ad asks the victim's group to defer part
of the payment in honor of important members of the tribal segments present
682 at the meeting. Sometimes a portion of the payment is forfeited in
672 honor of the tent or the women of the household who prepared the food or
even for the blessing of one of the saints in the area. In the case of
the curious neighbor (Case #2) above, out of the original amount specified
for the death by non-lethal weapon estimated as L.E. 300, only L.E. 100
was actually given to the victim's kin group. In addition to the L.E. 100
deducted because of the death of the unborn infant of the offender, another
hundred pounds was deducted in honor of certain important members
[683] who attended the gathering. It is interesting to note that the L.E. 100
is compensation for the loss of the use of a leg in the formal scale of
compensations for injuries as will be shown shortly. No such reduction
in the amount of bloodmoney was done in the case of the trespasser where

682 672 although the weapon used was not lethal and therefore was classified as an unintentional killing, yet the nature of the crime and the obvious intention on the part of the killers made reduced payment difficult to achieve.

Another way of reducing liability and the amount of money paid in cases of unintentional killing is by taking into consideration all the intervening variables that contributed to the death of the victim and asking them to share the blame. The working of this principle is illustrated in the case of the broken rope where the rope was assigned half the responsibility for the death of the victim. It is also present in the case of the careless guest where the responsibility was divided three ways with the host paying one third, the owner of the gun paying another third, and the goat sharing the responsibility for the rest of the bloodmoney. It is interesting to note the difference in the responsibility to the owner of the gun in the above case and the owner of the rope in the case of the broken rope. The owner of the rope was not held responsible for the death caused by his rope, the same way the owner of the goat in the case of the careless guest was not held responsible for the actions of the animal. Both the goat and the rope are not dangerous things by themselves for which a certain degree of care in handling is required. If such normally harmless things cause injury or death to a person, the owner is not held responsible.

682 672 41 67 (594) The situation is quite different in the case of the gun and the responsibility of its owner. By nature, the gun is a weapon of death, and for that reason the tribal law has required certain precautions in its use or handling. Among such precautions is the requirement that a guest,

682 as soon as he settles in the host's place, should unload the gun. In
672 411 addition to reducing the possibility of the gun being accidentally fired
671 and harming someone, this act expressed the trust of the guest in his
594 host and signifies the ability of the latter to protect his guest against
any harm. A person visiting another does not need his gun for protection
682 and therefore must unload it. If the owner of the gun fails to take this
672 customary precaution and leaves his gun loaded, and because of that fail-
411 ure the gun causes the death or injury of a person or even damage to prop-
erty, the owner is held responsible for that result. The same rule applies
to other deadly weapons, such as knives or daggers, as well as to animals
683 which are dangerous by nature, such as dogs. Each tent in the area has a
672 231 dog. Starting the first weeks in the puppy's life, he is trained to
guard the tent and to bark at the approach of any stranger. It is also
trained to attack any intruder who comes within fifty yards of the tent
unless accompanied by a member of the tent. When one goes to visit an-
other, he usually stays away from the tent until someone from the tent
hears the dog barking and comes out to get the guest. Most dogs would
not attack a person as long as he is the safe fifty yards away from the
tent. Occasionally, a dog goes behond the safe distance and bites an
individual passing by or a guest waiting to be let inside the tent. If
the injured person is able to prove, usually by taking the oath, that
he was more than fifty yards away from the tent at the time he was at-
tacked by the dog, the dog's owner is liable to the victim for the in-
jury inflicted by the dog. If, on the other hand, evidence shows that
the victim was bitten by the dog while being less than fifty yards away
from the tent, then there is no responsibility on the part of the dog's

682 between the parties involved. The relative position of both the of-
672 fender and the victim and their relationship to one another is taken
627 into account. What is reasonable behavior in one case may not be so in another. Pat disputes are taken as indications of the present situation, although they may not be directly related to the present dispute.

672 It is possible to say, then, that Awlad Ali recognize two types of
673 intentions: an assumed intention deducted from certain material aspects of the act itself, like the type of weapon used in causing the death of the victim, and an actual intention which is quite similar to that utilized in modern jurisprudence in the sense that it pertains to a state of mind on the part of the offender that connects him in a special way with the prohibited results. The assumed intention works to set the initial guide for the traditional scale of bloodmoney. It sets the basis upon which compromise could be achieved. Actual intention, on the other hand, determines the actual course the specific case takes as well as the final amount of money paid as a settlement.

The Sanusiya thus used the Turks to buttress its position in 175*
its dealings with the tribes, and combined with the tribes to 648*
resist any encroachments on its prerogatives by the Turkish 795*
Government. It was in the interests of both Administration 619
and Order that the tribes should not get out of hand, and it was in the interests of tribes and Order that the Administration should not become too powerful. The Sanusiya acquired from its central position between the other two parties a pre-eminence in the interior which led to the tribal system becoming already in Turkish times a proto-state with an embryonic government of its own. The tribes first began to see themselves as a nation through the Sanusiya's relations with the Turkish Administration. They were all 'Sanusi' *vis-à-vis* the Administration.

Ultimately it was the tribes who called the tune to both the Turkish Government and the Sanusiya Order. It would have taken a well-equipped army to have subdued them had they made a united revolt, and the Governor had only a meagre force at his disposal and could have had little hope of receiving much assistance from Istanbul. The Order had only moral weapons and though the tribal Shaikhs received its instructions with respect and every sign of acquiescence they did not necessarily act on them. Both Administration and Order were therefore compelled to compromise in their dealings with the tribes, who were, as Bedouin always are, at heart opposed to any interference and restriction. A typical situation of the latter days of Turkish rule was that described to me by the Banghazi notable 'Umar al-Kakhiya, at one time a member of the Ottoman House of Representatives. He was sent by the Governor of Cyrenaica to make agreements with the tribes in the eastern and western wings of the country by which they should refrain from cutting the Government's telegraph wires, a Bedouin habit which was later to irritate the Italian authorities and during the late war British Signals. I mention two further incidents in illustration of Turco-Bedouin relations. About 175*
1895 forty members of the Tamiya section of the Bara'asa tribe 648*
jointly killed a tax-collector, a certain 'Abd al-Rahman al- 651
Katib, for, among other affronts, having taxed the client tribes 795*
directly instead of through their *Sa'adi* overlords. They then 682 •
fled to the Marmarica, from where they treated with the Turkish
Authorities for a settlement by payment of 13,000 Riyal, or 619
thirteen times the usual blood money, to the dead man's son.

occupying territory which cannot be said to belong to any par- 619
ticular section of their noble patron tribe, is tied to the patron 571
tribe as such. Yet it is through the small tertiary segments that 621
these ties are made effective. In this sense, a client tribe is a com- 613
bination of small groups of people each group having specific relationships with defined tertiary sections, and participating in the tribe of their patrons through these relationships.

Secondly, clients are found distributed in small groups, some- 619
times no more than one or two men, but often in clusters large 621
enough to compose a small camp. Practically all tertiary sections 613
of the noble tribes have some clients either living with them or
sharing their resources. While clients continue to reside with a 619
particular tertiary section, it is the members of the latter who are 621
responsible for them and vice versa. If, for example, one of the 613
clients commits a homicide, the gathering of blood-money is the 672
responsibility of the noble tertiary section to which he is at- [682]
tached, and vengeance can be exacted on any member of the noble section. In other circumstances, when the offender is a nobleman, then the clients of his group are the first to be ap-
proached for blood-money. Tied in this way to a particular 619
tertiary section, they are not, however, compelled to reside with 621
its members permanently. On the contrary, they may be forced 182
to move. If, for example, there is a pressure on local water sup- 166
plies, the first to feel it are the clients. Annually, they supplicate 613
for the use of water, and if their patrons decide that there is insufficient to meet all needs, the request is refused, albeit reluctantly. Clients constitute a socially mobile group; they are the pawns in the annual readjustment of men to their resources. Whenever they move, they pass on to another tertiary section, which may be a collateral section of the one they have left or structurally far removed from it, but as soon as they leave one, their duties and obligations cease and are taken up anew with another structurally like group. It is because their attachment is to a tertiary section, and not to one of superior order, that they can be as socially mobile as they are, which in turn facilitates a more efficient adjustment to the ecological situation from year to year.

Small groups of clients move frequently, groups of adopted people less frequently, and groups composed of the free-born

613 to one well, and the remainder to the other. It is usually an easy
621 matter to predict, at least in a general fashion, how the group
602 will divide, as long as the details of kinship are known; the camps
[312] will be composed of members of two sets of patri-lines in the
tertiary segment, who will also represent two discrete clusters of cognatic kindred. If, therefore, a tertiary group increases in numbers to the point where a split in the lineage is inevitable, here then is the line of split, along a line, that is, of kinship cleavage and lineage differentiation. 'Men make the tribe; women divide it,' is an oft-quoted saying among the Bedouin, but this, like most sayings, tells only part of the truth, as we shall see.

613 It is possible to show where on the genealogy change takes
621 place, and it is possible to indicate the lines cleavages will follow,
but the proliferation of a lineage does not occur merely because the possibility exists for it to do so. A group must, clearly, break up if the number of its members significantly exceeds that which can be supported by the available natural resources; water is the prime cause of the proliferation of lineages. Granting this, a group remains an undifferentiated corporation until occasion arises when its members, or some of them, can demonstrate unequivocally that they are no longer bound by its conditions of membership. There is a number of occasions when this can be done, some of which are discussed below.

613 The test, *par excellence*, of corporate affiliation is the accept-
ance of the responsibility to pay blood-money. Refusal to accept
621 this is the same as renouncing membership of the group. Individ-
672 uals are sometimes excluded from membership in this way. There
682 are occasions too, when the payment of blood-money involves
renunciation by more than one or two individuals. If membership of a section has increased to the point of splitting, and should a homicide occur within it, one of the kin clusters within the group might demand blood-money from the other. Nothing could make the statement of split clearer than this. The most impelling condition of membership of the tertiary group is that 'we pay as one and receive as one', a condition which, of course, excludes payment within the group. Any two groups between which the demand for blood-money has been made are, therefore, by definition, separate tertiary groups.

613 When a member of a group or his wife dies, there are specific
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complicate the more direct relationship of the distribution of 619
groups of people to the ecology.[3] [13] [182]

The Cyrenaican genealogy, then, is a conceptualization of a
hierarchy[4] of ordered territorial segments. The groups stemming
from the ancestor at the third order of segmentation are referred
to as tribes, and each tribe is the apex of a three-tiered order of
segments, which, following customary practice, are referred to as
primary, secondary, and tertiary. The latter, the tertiary segment, 621
represents the group of people who, for a period of six to eight 613
months, gather together and live in what, for all intents and purposes, is a single discrete residential group.[5] This tertiary group is
also the smallest political group. It has its own homeland, with its [423]
water supplies, pastures, and ploughland. In this homeland live
most of its members. It is a lineage segment, and most of the agnates of this segment live on their own homeland.[6] It is also the [682]
vengeance group, which means that any one of its members can
be killed in vengeance for a homicide committed by any other, [628]
and that the obligation to exact vengeance falls on all members alike, regardless of relationship to the victim. Likewise, its members pay blood money as a group, and although when they receive it, a bigger portion goes to the nearest agnate of the victim, the remainder is distributed equally among all its members. The number of generations which supervene between the founding ancestor of a tertiary segment and the living is usually four or five, but there is little consistency in this number. Some tertiary

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[3] This part of the discussion is necessarily brief, but further amplification will appear in two subsequent articles now in preparation, one of which is concerned with a general treatment of Cyrenaican genealogies, and the other with a discussion of the effects of ecology on the social organization of the Bedouin. [114]

[4] I use the word hierarchy here since, although segments of any order display many like features, the orders represent distinct and progressively more embracing interests, and these differences are of such consequence that to consider one order of groups as a facsimile of a superior or inferior order can only lead to confusion. A tertiary group, that is to say, may possess many of the characteristics of a secondary group, but the one is a fundamentally different sort of group from the other, as I shall show in my forthcoming article on the feud. (cf. Smith, M. G. 1956.) [128]

[5] This statement does not apply to the Darsa and the Hasa tribes, two of [619]
the plateau tribes in Cyrenaica. The statements in this article are confined [128]
almost exclusively to the camel herders of the semi-desert.

[6] This, admittedly, is too general a statement to make about such an important issue, but I would prefer to leave its documentation and precision for an article on the analysis of the composition of Bedouin camps.

613 segments show a lineage depth of three generations, while others
621 show as many as six. No special importance is attached by the
Bedouin to this number, although some writers claim that a depth
of five generations is of particular significance among other Arab
621 tribes.[7] Normally, in speaking of the vengeance group, the Bed-
628 ouin refer to the name of the ancestor of a tertiary tribal section.
613 Any one claiming membership of this group, regardless of his
682 precise generational relation to the offender or the victim is im-
mediately and equally involved with its other members. When speaking of the group as such, the Bedouin refer to it as 'those who have agreed on the blood', and use the phrase *'amara dam* to refer to it. Blood money does not pass between its members, and political division does not occur within it.

621 These small tertiary sections of tribes, then, are small residen-
613 tial groups. Their population varies from one group to another,
[162] but most of them have a total population of 150 to 200 souls.
Successive generations—at least according to the Bedouin view—add to these numbers, and also increase progressively the number of generations in their genealogies. Substantial increases of population would, of course, constitute a pressure on local resources, on the water available in the particular well of a group, on the amount of land available for ploughing, and on the pastures for animals at the end of the rainy season. Again, if each generation is to be added to the existing genealogy, this would necessitate a realignment of structural relationships with each succeeding generation. The discussion that follows is an
128 examination of the ways in which adjustments are made to
621 maintain an equilibrium between the population of a group and
613 the carrying capacity of the land on which its members live, and
of the ways in which the genealogical structure is able to persist in the face of various contingencies which threaten it.

A beginning might be made by indicating the processes at work to keep the form of the genealogy fairly fixed when there is an absence of population pressure on resources. The first problem is the simple one of describing the mechanics of manipula-

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[171] [7] e.g. Burkhardt (1831), speaks of the *Khomse*, the five generation group, as very widespread among Arabs. G. W. Murray also reports the use of the word *Khomsa* among the Arabs of the Sinai desert to designate the blood-vengeance group, but the term used by the Aulad 'Ali tribe, the cousins and Egyptian neighbours of the Cyrenaican Bedouin, he gives as *Awlia'-ed-dam* (which simply means 'blood kindred').

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613 his maternal kinsmen to use the land and water facilities of
578 his lineage; his agnates may give ready consent or bicker about
602 it, but when it becomes necessary to clean a well, disputes are
almost certain to break out in the camp between those who argue
that their maternal relatives should not be expected to assist in
its cleaning and those who insist they should as an acknowledgement
of the use they have made of it. In these circumstances
613 maternal links divide agnates. Conversely, if it becomes necessary
602 for some of the same men to use the water and ploughland
of their maternal kin, their agnates are only too pleased that
they are able to do so, because the pressure on their own resources
is relieved. In these circumstances, the maternal link
strengthens the agnatic group. When, to give another instance,
613 blood-money has to be gathered, it is the duty of all agnates to
• 682 contribute equally, and no member of the group, rich or poor,
can contract out of this obligation without sacrificing his membership
of the group. Payments of blood-money are witness of
the strength of the notion of 'oneness' among agnates, in one
sense, but in so far as they are compulsory, they point also to the
weakness in the relationship. Maternal kin are not directly concerned
in this, but they can and do make contributions. In this
context two aspects of agnation appear, and the value of the
602 maternal link is emphasized. Again, maternal kinsmen are not
428 directly concerned in inheritance disputes, but they are expected
578 to intercede for their sister's sons, who often use their mother's
brother's tribal brand on their own animals. During disputes of
this kind, blame is thrown on to the maternal kinsmen for their
interference in matters which, properly speaking, are not their
613 business. In marriage, however, events take quite a different
582 turn. The responsibility for providing a man with a wife is first
that of the father, and secondly of the members of the tertiary
section; the father takes the initiative, and his agnates assist, not
only in the negotiations, but also in defraying the heavy costs of
the wedding festivities, the various gifts that precede it, and the
604 bride-wealth which follows. The mother's brother is also a key
613 person in all these arrangements. He enters into the negotiations,
585 assists with the entertainment on the wedding day, and makes a
[583] substantial contribution to the bride-wealth. On the wedding day,
there is no kinsman to compare with the mother's brother; a few

4: Peters E-5 (1948-1950) 1970 MT9 Libyan Bedouin MT9
Çyrenaica

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It is possible to show where on the genealogy change takes place, and it is possible to indicate the lines cleavages will follow, but the proliferation of a lineage does not occur merely because the possibility exists for it to do so. A group must, clearly, break up if the number of its members significantly exceeds that which can be supported by the available natural resources; water is the prime cause of the proliferation of lineages. Granting this, a group remains an undifferentiated corporation until occasion arises when its members, or some of them, can demonstrate unequivocally that they are no longer bound by its conditions of membership. There is a number of occasions when this can be done, some of which are discussed below.

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The test, *par excellence*, of corporate affiliation is the acceptance of the responsibility to pay blood-money. Refusal to accept this is the same as renouncing membership of the group. Individuals are sometimes excluded from membership in this way. There are occasions too, when the payment of blood-money involves renunciation by more than one or two individuals. If membership of a section has increased to the point of splitting, and should a homicide occur within it, one of the kin clusters within the group might demand blood-money from the other. Nothing could make the statement of split clearer than this. The most impelling condition of membership of the tertiary group is that 'we pay as one and receive as one', a condition which, of course, excludes payment within the group. Any two groups between which the demand for blood-money has been made are, therefore, by definition, separate tertiary groups.

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When a member of a group or his wife dies, there are specific

AFRICA
JOURNAL OF THE INTERNATIONAL AFRICAN INSTITUTE
VOLUME XXXVII JULY 1967 NUMBER 3

SOME STRUCTURAL ASPECTS OF THE FEUD AMONG THE CAMEL-HERDING BEDOUIN OF CYRENAICA[1]

E. L. PETERS

WHEN a Bedouin kills another in Cyrenaica, one of a number of consequences 682
ensues. According to the Bedouin, the particular consequence is determined by 571
the genealogical positions of the persons or groups concerned. In the first part of 829
this article an analysis of the disturbances in social relationships precipitated by 128
homicide is made, using a lineage model as a framework. In this part of the discussion
the arrangement of the information corresponds closely to the view the
Bedouin give of their relationships. Additional information is then presented to show [613]
that this lineage model neither covers several important areas of social relationships
nor enables an accurate prediction of events to be made. This raises the issue: can the 121
comprehensive power of the model be increased by complicating it, or does complexity 613
destroy its utility? The argument advanced is that the lineage model is not a 571
sociological one, but that it is a frame of reference used by a particular people to
give them a common-sense kind of understanding of their social relationships. For
sociological purposes this means that the lineage model, with its supporting theoretical
presuppositions, must perforce be abandoned. In the latter part of this article [128]
some of the implications of adopting this position are discussed. Particular stress is [578]

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[1] This study is based on field-work in Cyrenaica carried out over a period of twenty-seven months from January 1948 to December 1950. The field-work was made possible by the award of a Horniman Studentship and of a Treasury Senior Studentship in Oriental Languages and Cultures. I wish to express my thanks to both awarding bodies. The paper was presented in its first form to a seminar at Manchester University. Modified versions were read at Oxford and Cambridge and at University College London in 1963. In a Manchester seminar, Professor W. J. M. Mackenzie raised issues which led me to reconsider my mode of analysis. Professor Ely Devons read a draft of the article, and offered valuable suggestions. I also wish to thank Professor Gluckman for the many profitable discussions we have had on the institution of the feud. 12 My interest in the feud stems directly from Evans-Pritchard's work on the institution among the Nuer. [114] I am most grateful to him for his help and encouragement while I was pursuing my researches. Finally, anyone writing on the feud must acknowledge the contribution made to its understanding by Dr. Elizabeth Colson.

Thanks are due to the Association of Social Anthropologists for a grant from the Radcliffe-Brown Memorial Fund towards the publication of this paper.

'Africa', the Journal of the International African Institute, is published by the Institute, but except where otherwise stated the writers of the articles are responsible for the opinions expressed. Issued quarterly. *© International African Institute, 1967. All rights reserved.*

degree and is ephemeral, so that the opportunity for the development of trade rela- 621
tions is absent.[1] Save for straying animals, a section has no urgent need to seek 311
relationships with others, as long as the rainfall is sufficient to permit the exploitation [619]
of local resources.

The tertiary section is also regarded as the corporate group *par excellence*, in which 621
'the one word does for all'. Corporate identity is conceptualized as 'one bone' 613
or 'one body'. An offence against one of its members is held to be an offence
against all; if one of its members is killed 'we all lose blood'. When one of its mem- [682]
bers commits homicide the responsibility falls on all equally. Blood money, when
received, is shared by all save for a special portion reserved for the 'owner of the [672]
blood', the nearest agnate of the victim. In opposite circumstances, all adult males accept the responsibility of contributing an equal share to the blood money. Rules of membership, simple in their brevity, express graphically this corporate identity: 'You must strike with us and be struck with us; you must pay with us and receive with us.' The group also bears a name, and there is never any doubt about the affiliation of any tribesman. That group of men—known as the *'amarā dam*—who are agreed on the obligation to exact vengeance, to pay blood money when necessary, to engage in common defence, and to accept the possibility of death in vengeance, is a fixed and clear-cut group, not one whose membership has to be calculated by reference to degrees of kinship in regard to a specific situation, as appears to be the case among other peoples.

Homicide within the *'amarā dam* brings about an impasse in relationships. A blood- 621
money payment is out of the question since the acceptance of blood money by one 613
part of a tertiary section from another of its parts is tantamount to a statement of 682
split. Only in conditions where relationships within the lineage have developed to the
point of political severance is it anticipated that a blood-money payment may be 627
demanded; but this problem is not the same as that at present under discussion.
Bedouin say that blood money cannot pass within the *'amarā dam* for those making
the payment would be the persons receiving it. This is spurious reasoning, since the [829]
'owner of the blood' is awarded more than any other members of the group as it is, and arrangements could obviously be made to pay him separately. Blood money is out of the question because it distinguishes relationships between people as belonging to two distinct political communities, and not because of any difficulty of distribution.
In Bedouin thinking, an injury to 'the one body' is an injury to all its parts. Blood-
money payments by members of a corporation to one or more of its members is a [829]
contradiction in terms. In the same way vengeance is also excluded, for this merely doubles the original loss. A reprisal exacted in hot blood is always a possibility, but this is not referred to as *thār*, vengeance. Even if, at a later date, the closest kinsman of the victim should slay the offender, the act would not be referred to as *thār* and any connexion with earlier homicides would be denied.

Stultified in the field of political action, there is little else that can be done. Expul- 682
sion is a possible course of action—and expulsion has occurred. Records show, however, that exile is almost invariably voluntary.[2] Moreover, exile is terminated as

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[1] Many sections trade fleeces for dates with the folk of distant oases, but the sections do not trade among themselves.

[2] I recorded one case of a man who was expelled from his group and the tribes around were warned that the rules of sanctuary were not to apply to him. He is said to have died from grief and hunger. The reason given for such drastic action is that he killed [438]

682 a rule by the return of the offender to his camp after the lapse of a number of years.
A man who had already killed six people killed a seventh, his first paternal cousin.
He and his brothers fled the tribe; he died in exile and it was not until some thirty
[123] years later that his brother and nephew returned. Another man, who had killed his
first paternal cousin, used my entry into a camp as the occasion for his re-entry,
pitching his tent rope on rope with mine, and mine in turn was rope on rope with
the tent of the camp's shaikh.[1]

621 An effort is always made to hush up the matter when a homicide occurs within a
682 tertiary section. It is for this reason that the name of the victim is not perpetuated.
613 Normally it is an obligation to perpetuate the names of the deceased, especially when
[551] they have been killed in homicide, but in the circumstances now being discussed the
name is suppressed. As one man expressed the general sentiments, stretching out his toga in front of him: 'Look at the hole in my toga; it would be better without it, but what can I do? Make it bigger? It is better to cover it up.' Any penal action taken against the offender could only enlarge the wound he had already opened. The notion of corporate identity is so strong that it eliminates the use of penal action against one of its members for the greatest offence of all. While overtly every effort is made to expunge the memory of a homicide of the sort described above, the Bedouin are most articulate in their views about the offender. He is referred to as one who 'defecates in the tent' thus likening him to an animal, for no human being would do this. Other expletives used in reference to him are: one who 'destroys the lineage', who 'corrupts the family'; he is one who 'brings confusion', who 'provokes God' and causes 'the evil of leprosy to eat into relationships'. Their feelings about the offender, who 'commits robbery internally', are summed up in the word *fitna*. This, in its Cyrenaican use, corresponds closely to the notion of sin as it is used in the Old Testament; in the sense, that is to say, of an act which causes an impasse in relationships, which creates chaos among a small group of related people, and produces internal calamity. And this is indeed the situation brought about by such homicide among the Bedouin. Flowing blood, they are wont to say, can only be staunched by blood (i.e. a vengeance killing), but if a man kills within a close agnatic range the corporate body continues to bleed. Nothing can be done. The group is left helpless, and this is sin.

The first step in this exposition, therefore, is to attach to homicide within a tertiary section the notion of its being *fitna*, carrying with it voluntary and temporary expulsion.

682 A homicide which involves two collateral tertiary sections is a different matter
628 altogether, for now the parties constitute two discrete political groups. Political
machinery can be set in motion to deal with the breach in relationships, and conse-
621 quently a homicide of this sort does not pose the dilemma which is created when it
613 occurs within a politically undivided group. Not only do agnates of two collateral
tertiary sections behave towards each other as two groups of people, but the nature of their relationships is fundamentally different from those obtaining between mem-

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682 a first cousin in cold blood because of a dispute between them over the ownership of a new-born kid. Although this was the only reason given by the Bedouin other considerations were involved—the victim was said to have been a fine person, and his killer a constant trouble maker, and so on.

[1] See for comparison Robertson Smith, 1903. The tent is an area of sanctuary, and this extends to include the ropes also.

bers of an undivided group. It is erroneous to suppose that because the different 621
orders of sections are homologous in their structural aspects they do not differ; they 613
do, because the interests associated with the various orders are different.[1] 628

Collateral tertiary segments are associated with different tracts of territory. Each [682]
has its own watering rights as a group, and although groups may share a grain store, [423]
it is divided on group lines. Members of these different groups do not gather together in summer to form a single community, though at some of the very big watering points they are near each other. Social relationships between them are, however,
intense. Visits are frequent. They meet to exchange news, or to inquire after the [574]
sick. They exchange greetings during the major festivals, and members of one group attend the funerals and weddings of the others, taking gifts. They also meet at the grain stores. Herdsmen, as they pursue straying animals, wander freely in their neighbours' territory. Relationships of this sort, some of them urgently necessary for survival, do not permit the feuding relationships to be described presently. Permanent hostility which characterizes the feud would seriously disrupt everyday economic activities, limit the pastoral movements of the Bedouin beyond endurance, and sever lines of communication which they always strive to keep open.

A homicide, when it involves two collateral tertiary groups must, therefore, be 621
resolved quickly. This can be effected in two ways. Vengeance may be exacted im- 613
mediately. This is always referred to as a vengeance killing or *thār*, and is to be dis- 628
tinguished from a superficially similar act within a tertiary group, since *thār* carries 682
with it the implication that it is premeditated. A *thār* between two tertiary sections is considered to be the best way of settling the affair and, after an appropriate lapse of time, a peace meeting is held at which it is accepted that the killings have cancelled each other out. The deliberations at this meeting are followed by a meal at which all present 'eat around the one bowl'; the meal over, they all pray together. A life had been taken for a life and the way is now open for the restoration of normal peaceful relationships. Vengeance needs to be distinguished from feud, for while retaliatory killings provide the propulsive force in the feud a vengeance killing may be the means whereby a settlement of hostilities is made possible.

An end to hostilities may also be brought about by a promise to pay blood money 621
or *diya*, and its acceptance by the victim's group. Arrangements for blood-money 613
discussions are made by a category of persons known as *marabtin bi'l baraka*, or 628
'clients of the goodness', men who, by virtue of descent and origin, stand outside
the descent lines of the noble tribes, and who are accredited with divine goodness. 682
They tend the sick, write amulets, and are always present at a peace meeting to give 792
it the weight of their baraka. Soon after the homicide has occurred they act as inter-
mediaries to bring the hostile groups together at a peace meeting.[2] Ostensibly, the 621
first part of the proceedings at these meetings is to settle the amount of the blood 613
money, and how and when it is to be paid. Agreement on these counts will have been 628
reached, however, before the large peace gathering is assembled, for there is a gener- 682

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[1] This statement requires more documentation than I am able to give to it in this paper, but the descriptive details given hereafter give it some substance. See also Smith, 1956.

[2] It is necessary to add here that these clients do not assume coercive powers. They are granted the power to curse, but the curse that is feared is the curse of their dead when an oath is given at a saint's tomb. When they know that groups wish to make peace they assist as messengers in bringing people together, but they do not use their power to curse as a pressure.

621 ally recognized amount of blood money to compensate a homicide. The wrangling
613 that goes on at the meeting is of a conventional kind, and it is known in advance that
628 several distinguished guests present will supplicate for a reduction of the amount
682 demanded by the victim's group, until the amount generally accepted as appropriate is reached. Such haggling makes it possible for the victim's surviving agnates to maintain the fiction that they yielded only under the strongest pressure from the desert
[264] leaders and holy men. The main importance of the meeting is that the two hostile groups are brought together again for the first time, that the cleavage between them has been narrowed sufficiently to permit them to eat round one bowl, and that, by virtue of this commensal meal, the way is now open for the restoration of normal relationships. Subsequently there may be another killing, which, in the mind of the perpetrator, is connected with the earlier death of a kinsman, but it is not publicly recognized as one in a series of killings, or even as a vengeance killing; it is regarded as unique, and the method of dealing with it is on the basis of this fiction. Feud is not permitted between two collateral tertiary sections, for although the pattern of homicide may be similar to that of a feud, the two are never equated. There is good reason for this, since, whatever the similarity in pattern, the social relationships between the groups involved are radically different; each homicide involving tertiary sections is regarded as a unique event, and the relationships between times are friendly, whereas in feud relationships are permanently hostile and need not be otherwise for social, economic, or religious purposes.

Blood money when it brings peace brings it because payment is made only in part. It is never regarded as a payment for the life of a man, to be dissipated wantonly. ' The owner of the blood ' should marry a wife with it to beget children (one son to be named after the victim) or to buy camels to provide for a future marriage, or to buy a horse to be used to ride in bringing vengeance. Sufficient is paid to cover either of the first two alternatives; as far as my records go the third alternative is romanticism. At the peace meeting the offender's group does not promise to pay the total amount in one sum. An initial instalment is promised after the next lambing season or barley harvest. When the time comes it can be argued that the sheep dropped a disappointingly small number of lambs, or that the barley harvest did not fulfil expectations. If there is room for negotiation over the initial payment, the permitted manœuvring over subsequent payments is much greater. Promises made at the peace meeting relating to these subsequent payments do not specify the exact amount of each; the statement is no more definite than that the remainder should be paid over the following three to five years. Consequently when the second payment falls due, the offender's group can argue more cogently that their circumstances do not permit even a reduced payment, for the payment of the previous year was substantial and they have not yet recovered from this outlay. ' The owner of the blood ' is pressed to consider this, and to accept only a fraction of the wealth he had come to collect. The argument is cumulative, and can be used to excuse the rapidly decreasing payments of each successive year, until there comes a time when attempts to collect payments are discontinued. The arguments about the payments bear no relationship to the wealth possessed by a group. During the annual hagglings, and while members of the offender's group are declaring their straitened circumstances as an excuse for the small amount offered, the ' owner of the blood ' knows full well that two or three

621 613 hundred of their sheep are grazing in the neighbourhood. This is beside the point.
What is important is that the offender's group is showing a desire to remain on
628 friendly terms, and members of the victim's group are doing likewise by accepting
682 reduced amounts. Compared with what the payments should be, after four years they
are trivial and soon cease altogether. Blood money, if it is to achieve the purpose of
621 restoring peaceful relationships, must work in this way among the Bedouin, for, as
613 they view the matter, a single payment of the full amount would only terminate
628 relationships. There would be no further obligations to hold them together. The
682 payment of a debt in full means only one thing—hostility. Where there is no debt,
571 there are no relationships. Debt must be allowed to run between groups, for it is this
182 which creates obligations and perpetuates social relationships.[1] As the debt of blood
money mounts, the social relationships between the groups improve. The cessation
of payments and the absence of further demands is final earnest that the relationships
are again normal.

613 The second step in this exposition, therefore, is to attach to homicide between
628 tertiary sections the penalty of vengeance or the payment of blood money, both
621 achieving the same end of bringing about a restoration of peaceful relationships.

682 Between secondary sections, relationships are again different. Ecologically, the
619 areas are distinct. The topography may be dissimilar—sand dunes in one area and
613 low valleys in another; secondly, the soils may differ—sandy soil here and firm valley
[133] bottom soil there; thirdly, while the climatic régime of the two areas may be broadly
similar, since there is marked variability in the aggregate annual rainfall which is
[132] coupled with a high variability from place to place, each secondary section has its
own micro-climate, sufficiently well defined for one area to be well watered in any
given year while a neighbouring area suffers partial drought. These differences affect
[221] productive activities. Seasonal movements are also affected: some secondary sections
move annually over considerable distances and in fixed directions, while members of
a collateral section may move only a few miles and these short moves may vary in
direction from year to year. It is true that minor ecological differences exist between
collateral tertiary sections, but these do not affect the economy and the way of life in
the manner described for secondary sections. Partly because of their territorial extent,
partly because of the larger aggregate population, the secondary sections are more
self-contained, not only ecologically and economically but also in terms of social
relationship. More of the requirements of everyday living can be met within the
territory and span of a secondary section than within those of a tertiary section.
Secondary sections develop a kind of specialization to the extent that in any year
some of them will have more usable natural resources than others, but because these
differences are ephemeral they do not lead to the development of permanent trade
relations. Add to all this the fact that agnates are concentrated in camps on the territory
which belongs to their lineage, and the discreteness of secondary sections is
[582] immediately apparent. Marriage rules make this discreteness potentially, at least, even
more sharply defined, for unlike other 'lineage societies' where exogamy, coupled
with other marriage regulations, compels the dispersion of kin links among lineage

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[1] This point becomes clearer when considered in the general context of debt relationship among the Bedouin. Marriage payments, gift exchanges, hospitality, various forms of help, and so on are all aspects, with blood money, of an intricate and fascinating web of debt relationships.

619 segments, the Bedouin are free to marry within as close a range as the first cousin on
613 either side. Preferential marriage with the father's brother's daughter exists, not
582 merely as a sentiment, but with the legal force of permitting a man this choice against all other men. Before a father arranges the marriage of his daughter he first must seek the permission of his brother's son. Moreover, if a first-parallel cousin is not available, a Bedouin is free to take as a wife any parallel cousin within the minimal lineage. Much weight has been given to the value of exogamy as a device for the definition of groups; parallel-cousin marriage is equally suitable for the purpose—indeed it is better for it has the effect of knitting the members of a local group together as cognates, thereby throwing the group into isolated relief.

613 Consequently, when a homicide occurs between two secondary sections, there is
678 no urgent necessity to make peace, the relationship between them being of a kind
•682 that can be controlled and altered to suit the circumstances. It is between these groups that the argument—if the argument is taken up at all—centres on the circumstances of the killing, every effort being made to show that insult was deliberately added to homicide, that one homicide is to be distinguished from another because a man of great renown was singled out as the avenger's victim, or that in a vengeance killing there was a breach of taboo as well. A debt is always left over, and it is an impelling obligation for the Bedouin to redeem it. They frequently speak of vengeance in this context as 'redeeming the debt'. Again, any homicide between two secondary sections is regarded as one in a series, whether the details or even the name of the victim of the previous homicide is known or not. I recall discussing a double homicide with a close kinsman of the slayer, and the only way he could account for it was by telling me that his kinsman had to kill because his victims were of such and such a group. The feud knows no beginning, and it has no end. It is a form of behaviour associated with a specific structural order, and it is as persistent as the structural order itself; in this sense it is eternal. It was most difficult to get the Bedouin to give accounts of homicides other than those which had occurred over the past fifty years or so, but they invariably claimed that the origin was earlier than this, although they were wholly unaware of the identity of the earlier victims. In any event, their only historical frame of reference is the genealogy; and history, as a chronological sequence of events, has no meaning beyond the founding ancestor of a minimal segment. When they refer events to points on the genealogy superior to this, they are no longer thinking in terms of the temporal order of events, but in terms of what they know to be the contemporary relationships between groups, for the names on the genealogy are names of groups and do not bear a relation to a time scale in any sense. Put in another way, for them a homicide which involves two secondary sections must be a feud, because this is the nature of the relationships between the groups, and there must have been previous killings, otherwise the people involved would not belong to two separate secondary groups.

The relationships which are referred to as feud are of a kind which requires at least a show of hostility whenever the parties happen to meet. Even if they do not actually meet, but are in the vicinity, some sort of demonstration is likely. Thus, several shots were fired at a man riding some distance away from a camp, and although positive identification was difficult at this range, the men of the camp argued it must have been a member of a group with which they were at feud otherwise the passer-by

would have dropped in on the camp. In another situation, two men entered a shop 613
in a market-place; inside sat two men of a feuding group who, instead of retreating 628
hastily, greeted those who had just entered, and the latter returned the greeting with 682
blows on the head from the butts of their rifles. Markets in Cyrenaica are recognized [443]
to be places of peace. In their actions the two offenders not only injured two others
but also broke a taboo in a public place. The victim's group now had to avenge not [683]
only the injury but the insult that the breach of taboo carried with it, as well. In
most feud relationships this is characteristic. It is never a matter of a simple homicide,
but of killing a man at the entrance to his tent, between the centre poles of his tent,
or taking the life of a minor, or an elder too old to carry arms and so on. Each successive
killing ensures that the hostile relationships will be perpetuated.

The third step in this exposition, therefore, is the association of a state of feud with the secondary order of segmentation.

When the relationships between the structurally superior primary tribal sections 619
are examined, the arguments against the necessity for peace are stronger than in the
case of secondary sections. Relationships between them are few and irregular. Only
occasionally do members of these groups meet, and then often accidentally; very
many men of collateral primary sections are complete strangers one to the other.
If a homicide occurs between two primary sections it is unlikely that any attempt to 619
open negotiations will be made. The offender's camp may be raided by a *ghazi* 682
recruited from the victim's kinsmen. There would be no question of these primary [721]
sections going to war. On a raid firearms may be used, but the action is limited to a
strike-and-run affair. If the issue is joined and members of both sides are ranged [726]
against each other they fight with sticks to avoid large-scale slaughter: warfare must
not be allowed within the tribe. Wars belong to intertribal relationships. For one of 175
these wars, apart from hearsay evidence, some records exist. These tell of a war 619
which took place during the period 1860 to 1865, in which there were planned campaigns, 726
the organization of fighters into groups, and provisions for a labour force
in the home territory, large enough to produce sufficient food to maintain an army
in the field. During this war several hundred people were killed.

At this point, it is possible to summarize the stages in this exposition of the 619
Bedouin view in diagrammatic form.
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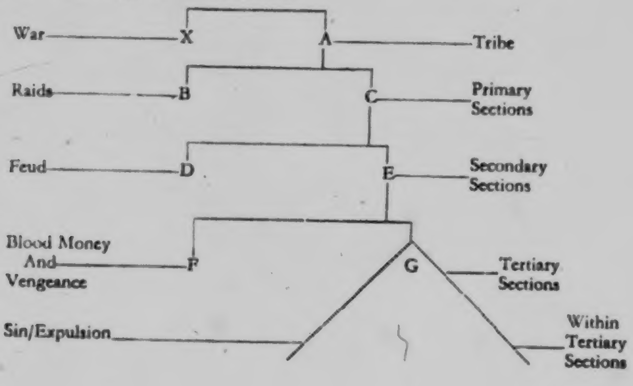

682 To complete this general statement, two further circumstances are cited by the
602 Bedouin. If a man kills a related person who is not an agnate (it is expressed as killing
the mother's brother) the breach in relationships must be healed as quickly as possible. The convention for dealing with this is that the offender, bound hand and foot, mounted on a horse, is sent to the camp of ' the owner of the blood ', in the company of a holy man, there to make an offer of his life, saying: ' Here is my knife, my life is yours; here is my shroud, my life is yours.' No Bedouin would agree for a moment to undertake this journey if he thought the offer might be accepted. In Bedouin sentiments a life offered in this way cannot be taken. It is the convention which precedes a peace meeting and blood money. Any other way of dealing with the confusion, which spreads as a result of a homicide between cognates, is excluded.

682 Secondly, if a woman is killed, whatever the intersegmentary distance, the homi-
562 cide is said to be accidental, because a man never ' intends ' to kill a woman. Blood-
money arrangements are made as soon as possible, and the wealth—half that of a
613 man—passes to the deceased's father, not to her husband, for a woman's ' bone '
always belongs to her father. Obviously women cannot be allowed to enter into
[582 feud; since it is demographically compelling (apart from other reasons) for some of
[591 them to marry outside their natal groups, then they might well find themselves residents in the enemy's camps, if they were to become involved in feuds.

121 This statement of the different means available for the regulation of homicide at
682 the several orders of tribal segmentation is the view the Bedouin themselves hold of
their relationships. An analysis of the facts presented thus far could bring out a
613 number of interesting points with regard to the relativity of morals, the typification
829 of acts by their social context, the significance of the orders of segmentation, and so
619 on. Rather than proceed along these lines, however, it is more urgently necessary to reflect on the significance of the fact that the arrangement of the material in terms of what is usually called the lineage structure coincides with the Bedouin ordering of the same details. It is, of course, important to note that the account is not based on mere hearsay evidence. Each statement made can be documented from known homicides, and to this extent the model that has been used is consistent with reality. The model, nevertheless, can only be a representation of what a particular people, the Bedouin, conceive their social reality to be; it is a kind of ideology which enables them, without making absurd demands on their credulity, to understand their field of social relationships, and to give particular relationships their *raison d'être*. But, as will be shown, it would be a serious error to mistake such a folk model for sociological analysis. Such an error is difficult to avoid because the Bedouin, when defending their view, are able to cite enough bits and pieces of reality to make their argument con-
121 vincing. The flaw in the reasoning is seen when it can be shown that its consequences
are absurd. As an example of what is meant, the statement that feud is attached to
114 groups at the secondary order of segmentation may be considered. If the statement
613 were true, if each and every secondary section were at feud one with the other (and
619 in a structural sense this ought to be so), then each tribe would be divided into small
829 mutually hostile groups, which completely lacked any possibility of movement, even
578 for pasturing purposes. Presented with this, the Bedouin would argue that this is not
in fact so, because secondary and primary sections are interlinked in many ways. That is, they evoke what to them are contingencies to explain why they are at feud with one

121 These three objections to the lineage theory as a useful model for examining the
613 consequences of homicide are serious enough in themselves, but another objection
562 renders it still less satisfactory. This fourth objection relates to the implication that
114 lineage theory cannot take account of women. Indeed, in some of the accounts of the political organization of lineage societies, the impression is given that they are all-male societies: women belong only to the domestic and kinship realms. In terms of the theory, this must be so. Women, the marriage links they create, the forms of relationships that derive from marriage, the right of men to joke with others by virtue of a link through women, their rights to demand favours of men who are not their agnates, their right to expect contributions to bridewealth or blood money from maternal relatives—all these, and other forms of behaviour, have been dealt with as patterns of behaviour which interfere with or disturb agnation, or that cut
121 across lineage affiliations. Such metaphors can only be justified if it is accepted that
613 precedence must be given to agnation, to what people say they think their lineage
relationships to be, and that there is some kind of primacy about what have frequently been called jural rules which constitute the structure, while behaviour which is not governed by these rules is to be relegated to the position of secondary forms having the effect of intruding only. But these secondary forms of behaviour are as impelling, as persisting, and are as much a part of social life as any of the so-called jural rules.
[582] It is possible to go further than this, and state that in societies where there is a high incidence of marriage among agnates of the local group, as occurs among the Bedouin, jural rules rarely appear in their 'pure' form in behaviour, since, in groups of this sort, each and every person constitutes a bundle of roles by virtue of the fact that he is one of a very complex cognatic group; a particular role, it is true, may take precedence in a particular situation, but all roles are present in each situation and affect behaviour. Precedence can only be given to specific forms of behaviour in relation to situations. There is no such thing as a general primacy with regard to any form. The concept of agnation as the centre of all political problems, disturbed or disrupted by, say, matrilaterality, is as inadequate as saying that the nucleus which pulls all other components into position is matrilaterality with agnation as a disturbing element. In reality there are numerous components present in all situations, which should not be lumped together under such categorizing terms as agnation and matrilaterality, but which combine as separate components in a kaleidoscopic range of clusters.

121 Some of the components of behaviour subsumed under the notion of matrilaterality
613 are briefly given here in order to appreciate more fully the consequence of inter-group
marriage. Of paramount importance is the fact that, in Bedouin sentiment, to kill
682 a relative is as sinful an act as the killing of a close agnate. When such a homicide
674 did occur, during my period of residence among them, the Bedouin response was to
829 assert that the offender was out of his mind—it was inconceivable that he could have
[602] committed the offence otherwise. Their attitude was reminiscent of the horror they
display when a man kills his father or a full brother, and represents a much stronger reaction than is manifested when a man kills an agnate of, say, the third or fourth degree. They have every reason to be disturbed by the killing of a mother's brother,
[604] for, whatever personal affections may be involved, a crucial link is threatened. Their reasoning, however, is that relationships with the mother's brother are characteristically easy, that they are not demanding, that there is much joking in them, and that to

5: Peters E-5 (1948-1950) 1967 MT9 Libyan Bedouin MT9
Cyrenaica

121 kill within this range is, in terms of the general pattern of behaviour, stupid. What is of
613 interest is that such killings do occur. I recorded three instances of men killing the
682 mother's brother in the contemporary population, not to mention many others
674 based on hearsay evidence only. Clearly, the relationship is more than a merely per-
829 missive one. The mother's brother may well be the only person who can help in
604 certain crises, and if he withholds his assistance the sister's son is left in a dilemma.
The form of behaviour in which demands are made is, as the Bedouin rightly say,
121 that of asking a favour, but this does not mean that it is any the less urgent than a
613 demand made against agnates. The range of favours is large, and only a few can be
604 detailed here. If a group has insufficient water to meet its needs a man first seeks help
from his mother's brother. The request has a number of aspects to it: it is a test of
[554] the relationship itself; it is a matter of pride and status that a man can ' call ' on
another to help his group out of difficulties, it is an assurance that resources other than
those jealously guarded by his agnates are available to him, and if a man is seeking
to increase his power he must have available more than an agnate's share of local
[682] water resources to supply his flocks and herds. When a blood-money payment has to
be made, the mother's brother is expected to come forward—it is his right to give
[584] without being asked. If a man wants a wife, he is not permitted to approach his father
directly, but his mother's brother can put pressure on the father instead. If a man dies
[429] while his eldest son is still a minor, his brother may be required to act as guardian,
and in this role he controls the son's property; disputes frequently break out as a
result, with the son at a considerable disadvantage, for he cannot engage his father's
brother in hostilities—but his mother's brother can do so for him. Whenever men
[422] come to possess animals before the demise of their fathers or when the father's
brother is acting as guardian they mark them with the tribal and personal signs of their
[583] mothers' brothers. Men have the right to demand contributions for bridewealth
from their agnates if they lack wealth; in practice it comes not from them, but from
the mother's brother. Finally, in certain circumstances, if a man does not have male
heirs, his sister's son might inherit all his wealth.

121 Affinity also carries with it a large number of rights. A poor man may take up
613 residence in the camp of his father-in-law, and be kept by him. The latter may come
to his son-in-law's aid in many of his dealings with his father. Like the mother's
606 brother, the affine is a potential source of water-supply when rain has been insufficient
on the homeland. He also helps with blood money and bridewealth, and he is expected
to aid his daughter and her husband with gifts of food and wool.

121 The details given above by no means exhaust the list of rights a man possesses in
613 his matrilateral and affinal relatives. Obviously, these are not the only forms of
relationship either, and the other forms carry with them yet other claims of various
sorts. Enough detail has been given, however, to make clear the point that local
agnatic groups are so differentiated, and inter-group relationships are so important,
that each aspect of homicide settlement previously described will require further
examination, not in the sense that additional complications must be introduced, but
with the question in mind, is not the structural presentation false? Before beginning
this stage of the argument it is necessary to establish the fact that the links of affinity
and matrilaterality which a group has with another are of a kind which necessitate
their inclusion in an analysis of the arrangements for settling homicides.

121 teral secondary sections, with collateral primary sections, and long distances away
613 into other tribes. This spread can be interpreted as giving each tertiary group access
582 to resources of wide ecological diversity. What is of interest in the present context is not the interpretation of the links but the effect they have on behaviour. Spread means that a group can call for help from a number of differently situated groups.
121 Each one of these links not merely modifies the structural means for settling homi-
613 cide, but converts the homicide into a sociologically quite different sort of act. It can,
582 as the Bedouin like to think, be an act of merit for a man to kill another from a feud-
578 ing secondary section, but there is no merit whatsoever in it if the tertiary section of that secondary section happens to contain affines or maternal relatives; this is a sinful
682 act. The Bedouin themselves recognize this when they add to their structural explanation the rider that they do not feud with cognatic relatives. The difference between their position and a sociological one is that they see this as a contingency not as a persistent necessity; they are able to maintain their position because they see their behaviour as explicable in terms of the simple ossified structure of their genealogical relationships. What they fail to appreciate is that these ' contingencies ' are ecologically, economically, demographically, and politically essential. They are able to maintain their position also, because the model of a lineage structure they use, along with the two riders previously mentioned (see p. 270) affords them a kind of explanation for most occurrences. The argument is attractive both to Bedouin and to anthropologists because it is comprehensive and neat in its logicality. The next stage in the argument is to show that there is a far greater range of possible consequences to a homicide than those summarized in the diagram (see p. 269) and that the additional consequences are related, not to the lineage structure, but to the linkages which have been discussed above.

121 I begin with a review of a homicide which involves two men of the same tertiary
613 section. Bedouin classify all homicides within this range—as they do for any of the
682 structural orders—as undifferentiated, but in each case, different sorts of relatives
829 are concerned in the ensuing hostilities, and the consequences are, therefore, different also. Bedouin say that a man never kills his father or full brother. In the event of a man killing another man acknowledged to be his father, the act itself proves that he cannot possibly be his son. He is said to be illegitimate, thus making his mother an adultress and relieving the males of the agnatic line of the responsibility and the
121 odium. If a maternal uncle of the agnatic group is killed, the offence is almost on a
613 par with that of patricide or fratricide. When, however, the homicide is between two men who are agnatically distant, and not closely related cognatically either, but both
682 are members of the same local agnatic group, what follows will depend largely on the size and stage of development of the group; if it is small, the homicide threatens to wreck it, but if it is large and on the verge of splitting the homicide may be the occasion for split taking place and being recognized publicly by a demand for blood money. Threatened with wreckage, a small group meets a homicide by closing its ranks for self preservation; a large group splits. The same event within the same kind of structural unit results in two quite dissimilar consequences. The reason is clear enough—the two groups are similar only in a general structural way, but sociologically they are not comparable.

When a homicide occurs between tertiary segments the solution, it was said earlier,

121 613 682 is found in either a vengeance killing or a blood-money agreement which later becomes caught up in a wider set of debt relationships. Records show that this is true in some cases, but in others the blood money is paid in one instalment and immediately. The recognition of a debt and its liquidation among the Bedouin is tantamount to a declaration of hostility, since without a debt the means for smooth-running relationships is lacking. Such a blood-money payment was made between two tertiary groups in the absence of the 'owner of the blood'; when he returned he sought out his brother's killer, and took two lives for one. Subsequently, there was a further blood-money settlement but there remained 'a man left over'. In other circumstances an annual payment, called *sana'*, is demanded in addition to the prompt and full payment of the blood money. The attachment of the *sana'* to a settlement is an invidious condition since it is regarded as a fee by those who have to pay it, it is said to lower the status of a group and ' one day, it must be repudiated '.[1] It may, circumstances permitting, serve to cast off all pretence of friendly relationships. It is more likely that it will lead to a further outbreak of hostilities. When I witnessed the payment of the *sana'* the terms in which it was demanded were: ' You have a man on your backs. Are you going to repudiate this or are you going to give me *sana'*? If you repudiate, we must seek vengeance.' The payment, one in a long series, was made on that occasion but there were loud grumblings among the men of the camp against their leader for his acquiescence and one suggested that they terminate the payments forthwith by shooting the claimant. Of the three forms of blood money cited, this latter is the extreme to which groups can go short of open feud. Its opposite is a blood-money payment which is mainly left as a debt, and which is accompanied by the ' gift ' of a wife to the victim's group.[2] The wife is ' given ' as an earnest that the offender's group wishes the full restoration of relationships ruptured by the homicide. There are, therefore, four forms of blood-money payment. The Bedouin view of these is that they are variants of what is, in principle, the same thing. Their view cannot be accepted. Each of the four payments points to diverse kinds of social relationships between groups, and their consequences are wholly disparate. These various kinds of relationships between the tertiary sections of the same secondary section exist because the relationships between all sections cannot possibly be the same if they are more than a pair in number. A secondary section which spans ten tertiary sections is not the same type of unit as one which spans only three. The greater the number of tertiary sections the greater the possible permutations in their relationships. What the Bedouin think of as variations in the form of blood-money
[829] payment is related to the complexities that lie behind their simple lineage model. Bedouin can comprehend this complexity only by thinking in terms of a kind of average behaviour, regarding deviations from the average as fortuitous and explicable by the faulty reasoning that ' in this particular case, it just so happened ' that this, that, and the other were part of the situation, failing to appreciate that apparent aberrations are constants to the extent that some sort of specifics occur in all cases. There is no reason why Bedouin reasoning should be followed in sociological analysis.

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[1] See Peters, 1966.

[581] [585] [2] A marriage is not legal unless at least a promise to hand over wealth has been made beforehand. In the case cited the amount promised would be no more than a token—a sheep or a goat.

The consequences of homicides in which secondary groups are concerned present 121
an even greater variety, for now the span has expanded to include many more groups, 613
with a total population of several thousand people. Groups of this order are spread 682
over a much wider territorial range; some structurally distant groups are neighbours
by virtue of their propinquity, while some structurally proximate groups are far
removed territorially. Some feuds lie dormant for long periods. Others erupt [578]
frequently. Some homicides between these groups are followed by the 'laying down
of the denial '—the feud situation with most acrimony built into it, for one denial,
followed by a vengeance killing, is met by a second denial and so on, excluding thereby
any chance of a settlement. In other circumstances the offender's group boast that
they are responsible for a homicide, thus challenging the victim's group to a show
of force. Only the more powerful tertiary groups would venture to do this, and it is
only they who could meet a homicide against them with a spectacular show of force,
compelling a weaker tertiary group (according to hearsay evidence) to break up and
leave its homeland. The modes of killing in homicide differ in character. Some killings
have been heinous and offensive in terms of general morality; their purpose is to
sting the victim's kin to retaliate or to cause them to suffer general discredit and loss
of status. While some parts of secondary segments are at feud, others are not.
A homicide between affinally or matrilaterally linked groups, whether they are
secondary or primary groups, is settled as quickly and as amicably as possible to
prevent turmoil in their relationships. Feud concerns two tertiary sections, not the [578]
opposed secondary sections of which they are parts. Blood money and vengeance is [628]
not the responsibility of secondary sections, but of their respective tertiary sections.

At this point, a further statement concerning the external marriage links of tertiary 121
segments throws further light on the feud. Previously it was stated that the competition
between collateral tertiary groups for natural resources is indicated by a low 613
rate of marriage between them. Their external marriage links reinforce the separation. 582
One tertiary section, A, takes some of its spouses from section X of a collateral 578
secondary section; A's collateral, B, takes some of its spouses from X's collateral, Y.
A may be at feud with Y and B with X. The agnatic links between A and B, and X
and Y do not mitigate the severity of the hostility in the two feuds, they exacerbate
it. It would be erroneous to think of them as cross-cutting ties which promote peace.
Stultified in the development of their hostilities by virtue of their territorial proximity
and the sentiment associated with putatively close agnatic connexion, A and B are
able to express hostilities indirectly through their linked groups X and Y respectively.
During discussions of disputes, homicides, or rival claims to water, whether the disputants
meet in the camps or in administrative offices in the villages, men from the
matrilateral and affinal groups of the parties directly concerned are also present to do
most of the shouting. In some cases I recorded a maternal relative was killed on
behalf of an agnatic group to which he did not belong, although the latter accepted
the responsibility. In the light of facts of this sort the lineage model obstructs analysis.

I now wish to make a few brief remarks about the relationships between collateral 121
primary sections and paired tribes. Homicide, it was asserted earlier, results in raids 619
and war between groups of these orders of segmentation respectively. Evidence 682
can be adduced to show that both consequences have followed. The case usually 726
cited to demonstrate that a single killing precipitates war between tribes is the

121 celebrated war between the 'Abaidat and the Bara 'asa tribes occupying a large part
619 of central and eastern Cyrenaica. This war took place a hundred years ago, so that the
682 evidence is mainly hearsay, but it is significant that when asked for details of the
726 groups taking part the Bedouin make it clear that the entire tribes were not at war—
[173] some sections on both sides are said to have remained on friendly terms. Yet when
121 wars are discussed in a general fashion, the Bedouin insist that tribes confront each
619 other as such. If it is pointed out to them that men might be ranged against their
726 maternal relatives the Bedouin mumble apologetically that they would not kill their
602 maternal relatives—a lame argument since in the heat of battle men cannot make this
kind of discrimination. Details of other wars also illustrate the point that only parts of tribes face each other in strife, for though the stories of past events may be inaccurate there is genealogical evidence to substantiate their claims that certain groups were linked in the past, and in any case their statements assert that where these links exist they are not prepared to engage in hostilities. The several parts of each tribe,
121 like the parts of primary and secondary sections, have as many different sorts of
619 relationships as there are groups, and the general statement that tribes are warring
571 units merely obscures the interest there is in their relationships. Tribes, further, lack
the leadership to make war. I repeat that leadership does exist, but not even the
121 greatest leaders, past or present, can rightly be described as leaders of their tribes,
619 using the term in its structural connotation. Literature on the subject gives the
613 impression that there are tribal leaders, because successive administrations have used
554 the tribes and their divisions as a framework for attempting to rule the Bedouin, but
the details of the power domains of individual leaders make it clear that they have little to do with the ordered divisions of tribes. A leader within part of one tribe may carry with him tertiary sections of another tribe, and if major hostilities break out between parts of these tribes, the sections of both which are joined as allies and related as kinsfolk will not fight against each other, for sections so linked enjoy stronger connexions than the structurally linked tertiary sections of a very large
[682] secondary section. Consequently the statement that homicide results in tribal war
[114] when the offender and his victim are members of two separate tribes is not merely
incomplete, not merely a simplification, it is wrong.

121 A point which has been implicit throughout the second part of this paper needs
613 now to be made quite explicit: groups do not come together in their respective
571 structural genealogical orders. During my entire residence in Cyrenaica I did not
[114] see a group of agnates larger than a tertiary tribal section assemble for any purpose.
[648] It is true that the occasions when large groups are required to assemble are infrequent.
It is also true that although the British Administration was serving a caretaker role only, it may have had an affect on the nature of tribal gatherings. Despite this qualification, there were several occasions when I expected tribal groups to assemble in lineage order if the fusion of sections in relation to like sections has any meaning in practice. Large groups of men did gather to dispute claims to wells, to argue about rights to ploughland, and to make peace. In every case that I recorded the agnatically closest groups of the main participants were absent, while members of genealogically more remote groups were present in strength. This statement applies to gatherings in the camps and in the administrative centres. One of the biggest gatherings I
[628] witnessed assembled in an administrative office in a village near the coast in the

membership of associations and so on. The statuses a Bedouin achieves de- 796
pend not on an ordered acquisition through the inheritance of roles or elec- 852
tion to them, but on his personal manipulation of linkages in his jockeying 88
with others. Rites are minimal because there are few defined statuses an 554
individual can predictably acquire. The equalitarianism of the desert denudes 602
the Bedouin of ritual riches. Complimentarily, rites which do occur are 613
thrown into exaggerated relief by the absence of others, and in their isolation, [557]
become not merely a "passage" but a cataclysmic change. Marriage and 585
burial both comprehend limited fields of relations, but accompanying cere- 764
monies may bring several hundred people together, people who otherwise 796
rarely gather in these numbers to meet one another as kinsmen and neigh- 602
bours, and it is suggested that the emphasis given to the events dramatises the 182
significance of the changes they produce. In the discussion of the changes brought about by marriage, the Bedouin view of what is entailed will be considered first.

The Bedouin View of Marriage

After marriage, the Bedouin argue, a son has a tent of his own, a woman 585
over whom he has authority and soon children to make him a father. Mar- 581
riage causes split, branching. A new family is created, holding the poten- [613]
tial of a new lineage. The separation is so painful a matter for the father
that he cannot contemplate it, hence his pretence that he has no knowledge of [593]
wedding festivities, and his subsequent attitude that nothing has happened.

Interestingly, there are two other occasions when this attitude is to be 682
observed. When a man kills within his corporate group,[5] he may flee his 613
tribe or he may be compelled to leave; later he is likely to return and, when 621
he does, he is received with a minimum of show. Every attempt is made to suppress knowledge of the event.

Again, if incest occurs, the memory of it must somehow be suppressed, and 835
it is an ever-present danger. Men, permitted four wives simultaneously and 561
also able to engage in a plurality of marriages through divorce or death of [595]
spouses, may have children showing an age difference of two or three generations. Thus it comes about that a man may be of an age in relation to his father's sister which permits them as children to behave as if they were
first paternal cousins. As an adult, the preferred spouse for a man is a [582]
father's brother's daughter. In terms of relationships between adolescents the situation in which a man is of the same age generation as his father's
sister is fraught with danger. In one such case, between a man and his [684]
father's sister, the male child of the union was put out in the desert to be

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[5] Bedouin are disposed in groups which, in summer, usually constitute a single community, around or near a watering point. The men of this group are interlinked by reference to an ancestor four or five ascending generations, reckoning from the generation of men of about 20 years. When, elsewhere in this chapter reference is made to corporations, it will be to groups of this kind.

835 devoured by wild animals, the girl was "given"[*] to a close cousin who had
561 shot his sister. Both now reside with an enemy tribal section. The two acts
684 were equated. They were similar to the extent that both created a situation
which defied institutional resolution. The culprits were exorcised. The
girl's lover remains with his group — the odium for the male is incomparably
less than for the female, since, while maternity is easy to establish, paternity
is frequently shrouded in doubt — and during the months I lived with this
particular group, there was never a mention of the affair. It was as if "nothing had happened."

829 If asked why these two events cause such profound distress, the answers
the Bedouin give are twofold: they can do nothing about them, and they
578 cause split. By split in this context they mean split in the lineage; split in
613 the case of homicide because it may lead to a demand for blood-money which
[682] is payable only between corporations, and split in the case of incest because
[684] it causes chaos in relationships. Marriage, in one sense, their reasoning
581 runs, is similar, for it too causes split. Whatever may be the analytic strength
829 of the arguments that homicide and incest precipitate splitting, the argument that marriage does so is spurious. In what sense can marriage mean
613 split? Bedouin men marry "so that we may beget many sons, to make a
big lineage later on." The worst fate that can befall a man as a result of his
son's marriage is that he, in later generations, will become the focal point in
a series of branching descent lines. The alternative — that his sons remain
unmarried — can only mean that his name would disappear through want of
successors to carry it on, which is one of the greatest evils which can befall
a man, according to Bedouin sentiment: better split than oblivion. If the
key to the interpretation of the father's attitude to his son's marriage is not
581 that it causes split, it must lie elsewhere in their relationship. What mar-
585 riage does is alter the distribution of authority between father and son. In
593 order to pursue this, it is necessary first to clarify the types of authority involved, and then assess them in a post-marital situation.

554

The Division of Authority Between the Family and the Corporation

851 Politically, a person's status is determined for him at birth. At this time a man has the right to accept or deny paternity. Denial is tantamount to an accusation of adultery by his wife. In practice, once a wife has given birth to a male child, whatever doubts people may harbour regarding paternity, the husband accepts the child as his. "The boy for the bed," is a saying often heard among the Bedouin; but it remains the husband's prerogative to invest
[837] the child with legitimacy, hence, political status. Only if a husband becomes
aware that he is publicly considered a cuckold, or if he catches his wife and a
lover *in flagrante delicto*, is he at all likely to take action. Otherwise he may

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[585] [581] [*] A marriage is illegal unless it is accompanied by an agreement to transfer wealth to the girl's father.

indeed welcome unfaithfulness on his wife's part. If a man is very old, and 554
his wife very young, it is likely that she will entertain lovers; if a man leaves 851
camp for a long absence his wife may not remain chaste. In both cases, if 837
the liaisons lead to the birth of a child, particularly a male, the husband
greets the news with unrestrained enthusiasm — "praise be to God," as their
saying goes. Incapacity[7] to produce offspring, if a husband is convinced of
it, may lead him to delegate a kinsman to serve his wife for procreative purposes:
he has the legal authority, as husband, to do so, and to require his
wife to submit, for the only alternative, if he is not to die without "issue,"
is to "take" a son from his brother and fulfill the obligations towards this
boy required of a pater, namely, attend to his circumcision, provide him with
teaching in the Koran (a duty neglected by most) and give him the wealth
with which to marry.

Granting the acceptance of paternity, whatever the circumstances of conception, 593
a male child, *ipso facto,* accedes to membership of a corporation, and 554
is subject to the authority of that group in a number of matters. In many [851]
situations it would appear that a son is under the father's political control. [613]
At a moot, the son, if he speaks at all, will do so only to corroborate his
father. Discussions among men in a small camp evoke a similar pattern of
behaviour. Until the father becomes senile or dies, a son cannot publicly
pursue an independent course, but he desists by virtue of his relationships
with his father *qua* pater, not because of his father's political power to
coerce. All men of a corporation, in any event, "speak with one word" at [613]
a moot, and a son, by his assent to the common view, also supports his
father; in so doing he yields to the political authority of his corporation, and
not that of his father.

Membership in the corporation invests a man with other privileges and 593
duties. Protection against external enemies comes within the corporation's 613
jurisdiction, although in a particular situation, the father may well be the
person who dispenses it. Complimentarily, if a man commits an offense [681]
against a person not of his group, whatever private thoughts his father may
have about the act, the responsibility lies not on his shoulders but on the
group, and he is compelled to share this responsibility equally with all other
members. For example, if a son commits a homicide the father bears the [682] ●
same legal responsibility for the act, and is under obligation to contribute the
same share of blood-money as he would be if the act had been perpetrated
by any male of the group other than his son. Even in a narrower field of
relations between father and son the group exercises its authority. Acting
as pater, a man may punish his son, physically or otherwise; he may not
do so to the point of injury, for personal injury comes within the legitimate
sphere of the corporation. A man's "bone" belongs to his group; he is an in-

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[7] Impotency is a special case, because it is dishonourable for a woman to remain [833]
wife to an impotent man. She cannot divorce him, but her father can insist on a
witnessed test of impotency and, if it is proven, the husband is compelled to divorce [586]
her. **Barrenness, obviously, is a different matter.**

582 of agnation on the members of a corporate group and give it a taproot of
583 diversity whence it derives its strength, and which makes of it "the one body,"
613 conspicuous, in comparison with other societies, as the corporate group
602 *par excellence.*

The Sister's Son-Mother's Brother Relationship

128 Previously the mode of relationships associated with agnation and affinity
have been briefly discussed. In order to appreciate the effects of parallel-
cousin marriage, some remarks concerning the sister's son-mother's brother
604 set of relationships must be included here. Bedouin contrast the mother's
[174] brother with the father's brother; their sayings and proverbs afford a
wealth of verbal documentation on the contrast. With the mother's brother
a man enjoys all the freedoms he is denied in his relationships with his father
[831] and father's brother. He is permitted to joke with him; they indulge in
exchanges of obscenities. When the sister's son wishes to marry, he is
permitted to discuss the matter with his mother's brother and can urge him
to intercede with his father on his behalf. Two men thus related are readily
recognised in the camps, because in their acts they are required to show
affection by displays of innocent horseplay, pranks or mild practical jokes.
Small boys pursue their mother's brother, feign to kick or strike him, and he
takes it all in good part.

The external aspects of this behaviour is deceptive. Joking of this sort
creates the image in which the relationships are conceived; what is equally
striking in it is its compulsiveness. Obviously, mature men are not always
in the mood to be teased, but if they are, they must respond appropriately.
Their relationships are unmistakably onerous. This remark applies not only
to the external forms of their behaviour, but also to the favours a man is
[602] permitted to ask of his mother's brother. A brief amplification will make
the point clear. Demands can be made of agnates, but only in situations of
serious contingency. Day-to-day needs are met, not by appeals to the rights of
agnation, but from the expectations linked to the mother's brother. If these
expectations are withheld, the sister's son may be left in a quandary. In-
604 terestingly, in the records of homicides I gathered, three (in the con-
•682 temporary population) were concerned with the killings of mother's broth-
ers by sister's sons. Homicide within this field of relationship is difficult
to comprehend unless it is appreciated that expectations are as compulsive
in the daily life and the general well-being of people as are the rights and
duties associated with agnation.

604 These general remarks apply to the relationships irrespective of the lineage
613 origin of the mother's brother. The similarity ends there, since the nature
of the expectations, their urgency at any given moment and the kind of
favours which are granted vary with the group identity of the mother's
[428] brother. A mother's brother who is a member of ego's corporate group may be
expected to give the sister's son small quantities of flour, favour him in all

CHAPTER VII

BLOODMONEY—WESTERN DESERT

000 Payment in Cash—Agreements to pay—Reprisals discouraged—Patricide—Detective Work—Death from Fright—Public Aversion—The twelve-year-old Bill—Informers—Ali Abu Bukr's Cistern—The Broken Rope—Found Drowned—Three Months' Hard Labour—Whose Rope?—Payment—The Old Man who fell off the Wall—The Clutches of the Police—A Well-conceived Lie—Ibrahim's Broken Leg—Ali's Cunning—The Fiasco at the Tomb—Reductions in Payment—The Dead Baby—Amateur Lawyers—The Two Shepherds and the Trespasser—Stick or Stone?—Legal Arguments—Travelling Allowance—Misappropriation—Chaos—Mirtah buys Sheep, while the Sayed buy Dates—The Clash—£300—Abdel Kerim and his Cousin—The Boys Fight—Result of pointing a Gun—Dirty Fingers—Serve him Right—The Two Married Sisters—A Gun Accident—Poor Towida—Successful Bluffing.

● 682 IN the Western Desert the laws of bloodmoney differ
[171] considerably from those of Sinai, the former being of
African origin and the latter of Arabian. The Western
[435] Bedouin regard the price of a man as £300, irrespective of
[562] the market price of a camel; and the value of a woman's
life as normally £150, or half that of a man.

682 In the absence of satisfactory evidence in a case of
695 murder, if the oath be employed to decide the issue, fifty
men will swear for a man's life, and twenty-five in a case
562 involving the life of a woman. (NOTE. In some tribes
these numbers are increased to fifty-five and twenty-seven
respectively.)

682 As regards the payment and acceptance of bloodmoney,
621 this is almost invariably by agreement between the families,
and it is often difficult for an outsider to see any rhyme or

reason in three families of one tribe paying together, while 682
the fourth is independent. Sometimes this is caused by 621
geographical separation, at other times by personal animosity or jealousy.

The main difference between the rules of the Western 682
Desert and Sinai is that in the West reprisals taken at the 171
discretion of an aggrieved individual are not recognised as [671]
lawful, and are distinctly discouraged. Generally speaking, [181]
the Western Bedou is a very much more prosperous and law-abiding person than the Sinai Arab, although at the same time he retains his charm as a primitive and inde-
pendent being. Occasionally a dastardly murder takes 682
place, but public opinion is very strong not only against the 674
murderer personally, but against all the members of his [626]
family, who automatically share his unpopularity.

In the spring of 1920 an old man, reputed to possess considerable wealth, both in camels and sheep and also in gold buried in the ground, was returning about mid-day from market riding his donkey, and one of his numerous grown-up sons was walking on foot beside him. After going four or five miles in the open desert, the old man got off his donkey, and told his son to ride for a little way while he walked. The son suddenly attacked his old father and hit him with the heavy stick he was carrying; and the poor old man died almost at once with a broken skull. There was nobody about, and the son dragged his father's body about a hundred yards, and threw it down an old dried-up cistern; then, mounting his donkey, he rode home to dinner.

That afternoon the local sheikh was told of the old man's disappearance; and as he had seen father and son leaving the market together, he had his suspicions. He traced their footsteps, picking up the tracks of a heavily laden donkey and one man walking, from near the entrance to the market place. Then, following along carefully on these tracks, he saw where the old man had dismounted. Then he saw a spot of blood and the place where the

682 674 body had been dragged. He followed the footsteps of the son as far as the cistern, where he again saw a tiny spot of fresh blood on one of the stones. From that point donkey-tracks led straight to the son's tent.

By nightfall the son was securely lodged in the police post; and local public opinion was seething with fury, firstly at such a dastardly deed committed presumably for the sake of the old man's money, and secondly because it reflected untold discredit on the rest of the tribe. The murderer, who was a big powerful man of about thirty standing nearly six feet in height, lay in prison awaiting trial. After a few days he was admitted to hospital, where he completely collapsed and died of fright a fortnight later.

[203] Rumours then began to spread that possibly the murderer had only acted in accordance with the wishes of his brothers, who were all conspiring to get rid of the old man, in order that they might share out his possessions. This could not be proved, and appeared unlikely from the [626] evidence. However, public feeling against the whole family ran so high that it was feared that more horrors might follow; but although no open action was taken against the family, no opportunity was missed of having a dig at them in some way or another.

682 674 691 626 686 [672] A very wealthy sheep merchant, who was a distant connection of the family, and heartily ashamed of them, brought an action for debt against one of the murderer's brothers. He produced an I.O.U. for £2 dated twelve years before and signed by the murdered man, claiming (according to custom) that the son now in court as defendant had inherited his father's liabilities together with his assets.

This sheep merchant was known personally to the writer, who was also aware that a month previously he had made a profit of £900 on a very clever bit of dealing in the West. The collection, after an interval of twelve years, of this paltry debt of £2, owing from the deceased father

of the present defendant seemed—for a really wealthy 682
man—to be pointless and futile. The merchant anticipated 674
this objection by hastening to add that the receipt of the 691
actual cash did not interest him in the least; but that he 626
had been wondering how he could shew his disapproval of 686
the defendant's family in some way, and had gone carefully through all his old papers and receipts with this end in view; and had triumphantly discovered the bill of debt now produced in court.

Bedouin Law and custom sometimes accept right to 671
bloodmoney in all sorts of circumstances, when other law 672
would recognise no claim. For example, the principle is 682
accepted that a life lost in prison must be paid for by the informers whose information resulted in the imprisonment of the deceased. It is entirely immaterial whether the information so given to the police was wilfully false or intentionally misleading, or whether it was merely subsequently found to be incorrect. Even if the information had been true and correct in every detail, the informer is still blood-guilty from the Ourfi standpoint, although in actual practice any such claims for bloodmoney would probably be considerably modified.

Other claims for bloodmoney are also recognised occasionally, in cases of obvious accidental death, or death by misadventure or Act of God, when the interpreters of Bedouin Law cannot get away from the main principle
that a life lost must be paid for. The difficulty in these
cases is to determine who shall pay for it; and the lawsuits [695]
usually end in a clever compromise, in which their essential principles are duly observed, but their judgments are mitigated and modified by leniency and commonsense. The following example, which occurred recently in Mariut, will illustrate this.

A certain Arab called Ali Abû Bukr had inherited from 671
his father large cultivation rights in the desert; and in the 672
middle of this land was an old cistern for the collection of 682
rain water. It had not been used for years, and was silted 312

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

671 up with drift sand; and as it was some miles from the
672 nearest permanent water supply, the owner of the cistern
682 decided that it was well worth clearing out, with a view
to catching and conserving the next rainfall.

312 Accordingly he summoned all his kinsfolk, and propounded his proposition, to which they agreed. Other Arabs occupying neighbouring rights suggested that it was a very good idea, probably with a view to a simplified water supply for themselves.

671 An Arab from the neighbouring tribe called Ahmed
had frequently acted as shepherd and odd-job man for
672 Ali; and it happened that, when Ali and all his kinsfolk
682 were assembled at the cistern, Ahmed chanced to be
passing. Ali hailed him, and asked him to come and lend a hand. So Ahmed joined the crowd at the well, and assisted in getting ready the ropes and other tackle to be used.

[312] The cistern, constructed after the usual Roman pattern, was about forty feet deep, fifteen feet in diameter for the first twenty feet or so, and from there narrowed down to six or seven feet, with footholes cut in the side for the last half. One of Ali's relatives had agreed to be let down with ropes and to start cleaning out the mud and sand from the bottom. However, when the rope had been tied round his middle, and he was just going to be swung in mid-air and lowered to the ledge at half-way, his nerve suddenly failed him, and he refused to start.

Subsequent evidence was confused at this point as to exactly what happened; but it seems that one of the crowd noticed Ahmed standing with the rest, and remarked that he had had considerable experience in well digging, and suggested that he should go down. Accordingly Ahmed flung a stone down the well, and a faint splash at the bottom indicated that there were a few inches of water in it. He then organised a sort of tug-of-war among the men standing by, to test the strength of the rope. Satisfied on this point, he had the rope tied round him, and he was

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

lowered very slowly and carefully by the crowd at the top. 671
Here again it is difficult to ascertain exactly what happened, 672
as the evidence was again contradictory. Apparently, when
Ahmed reached the ledge at half-way, he fumbled about 682
in the dim light for the foot holes; and just at this psychological moment the rope broke.

The ten men holding the rope at the top collapsed one on the top of another; but when they had recovered their presence of mind, they shouted down to Ahmed, to ask if he were all right. A faint voice from the bowels of the earth replied that he had fallen heavily on a stone and had had a nasty knock, but that he would be all right in a few minutes.

They then produced a spare rope for another man to go down and get Ahmed up; but they discovered that the only one they had to hand was too short by several feet. A man was sent post-haste on a pony to get another rope from the encampment a mile or so away, and when he returned after a quarter of an hour, volunteers were quickly forthcoming to go down and retrieve Ahmed. On reaching the bottom they found that the unfortunate man, either stunned by the fall or overcome by foul air, had collapsed flat on the bottom of the well, and had been drowned in six inches of water. They hauled his body up to the surface, and Ali, terrified that he might be held in some way responsible, counselled all present to bury the dead
man then and there, and to say nothing about it. However, [123]
news quickly spreads; and the same day an informer came
to the police post and reported the matter, and Ali was arrested and subsequently sentenced to three months' imprisonment with labour by the present writer, for failure
to notify a death under unusual circumstances. (Inci- [177]
dentally this did not constitute an offence under Bedouin Law, but was a contravention of the Police Code and was punished as such. Hence the apparent interference in a purely Bedouin concern.)

While Ali was still serving his sentence, Ahmed's rela- [694]

671 tives lost no time in taking legal proceedings at the Ourfi
672 court to claim bloodmoney from the owner of the cistern;
•682 and on Ali's release from prison a very long and excessively
694 tedious lawsuit began.

The principle that a life had been lost and must be paid for was accepted without question by the court from the outset, in spite of the police enquiry, which is the local equivalent of a coroner's inquest. The enquiry had established beyond any shadow of doubt that death had been caused by misadventure, and that Ali was absolutely innocent, not only of any intent to kill, but also of any negligence whatsoever. Any other coroner's jury in the world would have returned a verdict of accidental death, expressed sympathy with the relatives, and absolved all concerned from blame; and there the matter would have ended.

671 Ali, who had already undergone three months in durance
672 vile—which, to a wandering child of the desert, must be
682 particularly galling—so far forgot any tribal instruction he
might have had as to repudiate vigorously any responsibility either for the accident or for the restitution of the death in the form of bloodmoney. His family also, who would naturally have to share the payment, did their best to confound the issue by lodging a counter claim. They protested that the actual rope that broke was not theirs, but belonged to a third party, and that neighbouring tribes, who had approved of the project and who stood to benefit by the cistern when it was cleaned out, were conjointly responsible with themselves for any payment due.

The case dragged on unsatisfactorily for some months; the neighbouring tribes swore that no agreement existed whereby they should benefit by the cistern when completed; the question of the ownership of the rope was dropped; and eventually Ali and his family were ordered to pay a reduced scale of bloodmoney to the family of the deceased.

683 Sometimes these bloodmoney cases, so far from being
672 dramatic or nauseating, are actually rather amusing.

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

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The plaintiff was an Arab called Salem Ibrahim, who 683
brought an action against a man of another family of his [694]
tribe called Ali. The plaint was as follows. Seven years
ago Salem's father Ibrahim, a man then about sixty years old, was sitting on a wall near a patch of cultivation belonging to Ali, and watching Ali working on his land. Some dispute arose between them; and, angered at something that Ibrahim had said, Ali picked up a large stone
and flung it at Ibrahim. The impact broke the old man's 683
leg; the case was reported to the police; Ali was arrested 682
and imprisoned; and Ibrahim was taken to hospital, where
he shortly afterwards died. Ali was thus left in prison, 672
and the case could not be proceeded with from the Ourfi
standpoint until he came out. On his release, therefore,
the case was to be brought up for settlement, and the 683
plaintiff to claim bloodmoney for his father's death. 682

Meanwhile, however, plaintiff related how his own 694
family had wanted to get the case cleared up and how Ali's 672
family had also approached them with the idea of extracting Ali from the clutches of the police, so that the case could be tried by an Ourfi court, and a judgment which would be intelligible and acceptable to both parties could be given by their own sheikhs.

Accordingly they agreed together that the plaintiff's family should go to the police, declare that the whole case was a mistake from beginning to end, and that the old man Ibrahim had fallen off the wall, and that nobody had thrown a stone at him. A document to this effect was drawn up, signed and sealed by the notables of Ibrahim's family, and solemnly presented to the police. The evidence seemed so genuine that Ali was released from prison, with implied apologies for wrongful arrest. On his release from prison Ali saw his opportunity, and by some means obtained possession of this document signed by Ibrahim's family.

When the case first came up for trial by Ourfi court, Ali denied throwing the stone, repudiated all responsibility

672

683 in the case, and produced this document signed by Ibrahim's
•682 family to the effect that Ibrahim *fell* off the wall and broke
his leg. How then could he possibly be implicated in the
694 case?

The assessors of the court went carefully into all the
683 evidence and eventually agreed that the matter should be
682 decided by the oath. They demanded that Ali, backed by
672 twenty-five men of his own tribe, chosen by Ibrahim's
family as men of their word, should swear on the tomb
695 of Sidi Shar el Ruh the following oath: "By Allah the Great and by the Truth of this Holy Sheikh, I swear that I neither threw a stone at Ibrahim, nor broke his leg." They further decreed that if Ali himself, or any one of the twenty-five men chosen to back him in his oath, failed or refused to swear as required, the case for the defence would be null and void, and that bloodmoney would be required in full from Ali's family.

On the date appointed two or three sheikhs of the court were detailed to go to the tomb, to meet the defendant with his twenty-five backers, and to supervise the taking of the oath. The parties duly arrived; but when the oath was just about to be taken, three men of Ali's backers refused to swear, declaring that on the contrary they were ready to swear, if required, that Ali *had* thrown the stone, and was responsible for Ibrahim's death. The case for the defence thus fell to the ground, and the parties were warned to appear at a future date, when the case would be completed. At the next meeting of the court, Ali's liability to pay bloodmoney was accepted in principle, but there were divergencies of opinion as to the amount to be paid. Then followed a delightful example of casuistry typical of the Bedou mind.

The assessors of the court felt that, in the first instance, Ali had never intended to kill poor old Ibrahim, and that his crime fell very far short of intentional homicide. Also, it had happened seven years before, and, all said and done, time had healed most of whatever ill-feeling there ever

had been. Besides, Ibrahim was an old man when it 683
happened, and he would have to have died before very 682
long in any case. Moreover, the sheikhs in their heart of 672
hearts considerably admired the acumen displayed by Ali
in getting hold of that document. So they decided privately 695
among themselves that on the whole half the full bloodmoney, or £150, would meet the case. On no account, however, could they give in open court the above reasons for lessening the sum to be paid. They proceeded to listen patiently to more evidence, and eventually gave their considered judgment as follows:

"Defendant Ali is required to pay the full bloodmoney of £300. *But* in view of the fact that, when the police came to Ali's tent to arrest him seven years ago, in the excitement and commotion caused by the police patrol, Ali's wife gave birth to a premature boy child, and that this boy subsequently died, therefore the sum of £100 will be deducted from the total to be paid, for the sake of the dead baby. Also, as it cannot be proved conclusively that Ibrahim died simply and solely as the result of the stone thrown at his leg, and as it may be conceivably possible that other external causes contributed to his death, for this reason, therefore, another sum of £50 will be deducted. Hence the amount to be paid is £150, of which £50 must be paid after this coming barley harvest, with a similar sum after the two following harvests."

Amateur lawyers are not popular, and more often than 682
not darken counsel without understanding.

An Arab called Salem had some land, and he employed 672
two men of the Hawita tribe as shepherds and harvesters. [693]
One of these men was from the Nefoofa family of the Hawita, and the other was from a family called the Magai. These two shepherds worked peacefully together, and their respective families were friendly, until one day an Arab of the Gottaan tribe called Yadam Saadi drove his flocks and his animals on to Salem's land, and began to pitch his tents. These two shepherds saw this going on from afar, and

682 672 came up to drive him and his animals away. Yadam refused to move, and threatened violence if they attempted to eject him forcibly. So the two shepherds, who were responsible to their employer for the land, went for him simultaneously—the Nefoofa shepherd with a thick stick, which he brought down with all his force on Yadam's head, and the Magai with a large stone, which he hurled as hard as he could, and which caught Yadam in the chest over the heart. Yadam received both these blows simultaneously, collapsed on to the ground in a crumpled heap, and died soon afterwards.

682 672 693 695 Yadam's family then brought an action against the Nefoofa and Magai families conjointly, claiming bloodmoney. The Nefoofa produced an amateur barrister of their own family called Abd el Gelil, who proved (entirely to his own satisfaction) that many minor assaults were continually taking place, when people were hit on the head without death following immediately as the result of the blow. He therefore contended that it must have been the blow from the stone thrown by the Magai which had really killed him. The Magai adopted a similar line of argument, and the case remained at a standstill for nearly two years.

Eventually the court effected a compromise, and awarded the bloodmoney, to be paid equally by the Nefoofa and the Magai in three yearly instalments of £50 each. The Magai paid up their £50, and the Nefoofa barrister—a particularly bumptious individual from the Nile Valley—lodged a protest against the decision, claiming that the court was not properly constituted and was not competent, that the sheikhs were biassed, and a hundred and one reasons why the Nefoofa should not contribute their share.

He was eventually made to understand that the Nefoofa would have to pay, and that if there were any more trouble from him, his own property would be seized as part-payment. Accordingly Abd el Gelil travelled round the Nefoofa encampments, ostensibly to collect sums due from

the different families. A year later the Gottaan brought 682
up the case again, acknowledging the receipt of £50 from 672
the Magai, but protesting that they had still not received 693
anything from the Nefoofa. On an enquiry being held,
a representative collection of infuriated members of the 695
Nefoofa family came to court, protesting that Abd el Gelil
had already collected their payments, and that if he had not
handed over the money, their responsibility at any rate had
ended for the moment.

It subsequently transpired, when Abd el Gelil was with
difficulty got hold of and brought to court, that he had
collected about £50, but claimed this sum as his own
personal travelling expenses for collection. Then followed [685]
another lawsuit, in which the Nefoofa family sued their
self-appointed lawyer for mis-appropriation of tribal funds.
The details of this new case, and those of the original suit,
were then re-capitulated and muddled up together, to the
complete bewilderment of the writer and the entire
satisfaction of the Bedouin assessors.

Mention has been made of the extra £100 (£400 instead 682
of £300) usually paid among the Gawabees tribe as the 672
price of a life. It seems, however, as though there are
exceptions to this rule; and the following case seems to shew [435]
that the payment of "Sanaa" depends on a variety of
circumstances.

A family called Sirdani had had a bloodfeud with another 682
family of the Gawabees called Sayed, one of the former 628
having killed one of the latter some fifty years ago. The
two families had been living in totally different districts, 672
and for years had not come into contact with each other,
and so the feud had been allowed to continue.

In the spring of 1921 a man of the first family, about forty-five years old, called Mirtah el Sirdani, left the Wadi Natrun for the Nile Valley to buy some sheep from the Fellaheen, taking with him his old mother and a small boy, to help him bring them back across the desert to the luscious grazing in the wadi swamps. He arrived at the

682 Cultivation, bought his sheep, and started off westwards
628 to the wadi.

672 By a sheer coincidence, four men of the other family had left their camping ground a fortnight before, and had gone south on their yearly pilgrimage to Baharia Oasis to bring back dates. On leaving the oasis, they had later arrived at the wadi, watered their camels, and pushed on northwards to their camping ground. About one and a half days' trek north of the wadi, about half an hour before sunset, they saw in the distance a cloud of dust advancing towards them, out of which gradually emerged a flock of sheep, an old woman, a man, and a small boy.

According to the subsequent evidence of the mother, her son Mirtah drove his sheep unconcernedly, not noticing with the rays of the setting sun in his eyes who was with the approaching camels. When they drew near he called out the usual greeting, "Peace be upon you"; but instead of the stereotyped reply, two of the camelmen suddenly leapt from their camels with heavy sticks in their hands, and rushed at Mirtah. The old mother and the small boy began to run away, while the frightened sheep scattered in all directions. Mirtah was entirely unprepared for any assault, and before he realised what was happening, he had received two thundering blows on his skull from the two men, who immediately afterwards remounted, and rode away.

Mirtah fell stunned; and as soon as his assailants had gone, his mother and the boy ran to his assistance. After a few minutes Mirtah staggered to his feet in a dazed sort of way, cursed his aggressors, whom he had recognised as belonging to the Sayed family, and said that he would be able to continue slowly. He managed with the help of his mother and the boy to cover two or three miles, but was overcome by pain and loss of blood, and again collapsed. His mother with the sheep remained by his side, and sent off the boy to the Wadi to get assistance to bring him in. Fortunately, after running a few miles, the boy came across some

members of a neutral family with grazing camels, and with 682
their help Mirtah was fetched in to the Wadi unconscious. 628

The case was reported to the police, but a few hours
after his arrival in the Wadi Mirtah quietly died. The 672
post-mortem examination revealed a skull cracked right across, with severe cerebral haemorrhage. In due course the Sirdani family claimed £400 bloodmoney from the Sayed family, according to the custom among the Gawabees tribe. This time, however, an exception was made. The sheikhs decided that the ordinary bloodmoney of £300 only should be paid by the Sayed to the Sirdani family, £100 in money and £200 in kind, divided into six yearly instalments of £50 each.

They also added a rider to the effect that they were not awarding Sanaa under the circumstances, as there was no proof of intent to kill, and that weapons such as guns or knives (which would imply premeditation) were not used. The presumption was that the Sayed family, though obviously intending to cause grievous bodily harm, did not intend to kill Mirtah. The fact that he died of his wounds automatically warranted the award of £300 as bloodmoney, but did not constitute sufficient justification for the imposition of the extra £100 as Sanaa.

In Common Law it is not always easy for the uninitiated 671
to understand the legal value of a threat, or what proportion 683
of the punishment for the completed action is due for a mere threat. It was singularly pleasing, therefore, to find a striking instance of a threat to shoot, and to see the attitude of the Bedouin court towards this particular offence.

An Arab called Abd el Kerim was tolerably well-to-do, 233
and owned several camels, a mare, fair-sized flocks of 685
sheep and goats, and certain cultivation rights; and he had two sons aged about sixteen and eighteen respectively. His cousin, Abd el Salam, who lived half a mile away, had four sons of ages ranging from fifteen to twenty, but he was considerably poorer in this world's goods. Abd el Kerim's sons took their camels out to graze, and inadvertently

233 wandered over the boundary of Abd el Salam's grazing
685 rights. The juvenile members of Abd el Salam's family
[578] came out from their tents in a body, to drive off their
intruding second cousins with their camels. An altercation ensued, and the excitement grew; and eventually a pitched battle with sticks and stones began among the lads.

683 One of Abd el Kerim's sons, leaving his brother to hold
on for a moment, ran back the half mile to call his father, who returned with him to the scene of the fight carrying his gun. On arrival at the camels, Abd el Salam's sons set on him in a body. Abd el Kerim pointed his gun at one of them and took aim; whereupon one of the other family from behind laid him low with a blow on the top of his head, sufficient to fell an ox.

Abd el Kerim was carried back to his tent, where the
[114] writer witnessed the horrible sight of sympathetic but
homicidal relatives pawing his open wound with their filthy fingers. A large hole had been knocked in the side of his head, and portions of brain were visible. After some
months of surgical treatment Abd el Kerim came out of
[694] hospital; and, as the blow was reported to have affected
his reason, a case was brought on his behalf by some of his relatives, claiming damages from the family of Abd el
Salam. However, before the case was fully completed,
[682] Abd el Kerim was taken ill, was re-admitted to hospital,
and died. The case therefore became one of bloodmoney, and was dealt with in the usual way.

The interesting point about the case, however, lies in
683 the decision of the court, when the first claim for damages
682 was brought up. A very strong line was adopted by the
695 sheikhs, and in the opinion of the court the wounds re-
672 ceived by Abd el Kerim were only what he might reason-
ably expect. They maintained that, after the way in which he had behaved, he was lucky to have got off as lightly as he did. The sheikhs protested that he ought never to have gone out from his tent, and mixed himself up in a fight between a lot of boys. If he had any authority at all, he

should have called a meeting with Abd el Salam, discussed 683
the position sensibly with him, and then the two of them 682
should have beaten all the boys soundly. Secondly, he ought 695
never to have taken his gun with him, which was as stupid 672
as it was dangerous. The fact that Abd el Kerim himself knew that it was not loaded made not the slightest difference to the case, as the boys did not, and could not, know whether it was loaded or not. As one of the sheikhs expressed it, "If you point a gun at me, loaded or unloaded, I'm not going to risk it. So if I retaliate by braining you, then that's your fault—not mine!"

As compared with some of the customs obtaining among 682
the Sinai Arabs, the following case among the Aulad Ali 171
in the Western Desert is illuminating, and will be quoted in full. The question of who is "chief mourner" of the deceased, and who draws the largest share in a bloodmoney case varies considerably between the tribes of Arab and
Berber origin. Among the Aulad Ali a woman killed is [562]
automatically half the value of a man, whereas among the [435]
Arabs the value of a woman depends on a variety of conditions.

A man called Idris had two daughters, Towida and 682
Beida. Beida married a man called Korayem Shushan of 672
the Gereidat tribe, and Towida married Farag Gueida of the Mowalik tribe. A son had been born to Towida and Farag called Lataif Farag; and when Lataif was about four years old, his parents quarrelled about some trifling matter, and Farag divorced Towida. Two months after this, Towida went to spend a day or two with her sister Beida and Korayem, and it was while sitting alone in their tent that the accident happened which was the cause of this lawsuit. It seems that Korayem had left a loaded gun tied up with cord to the roof of the tent, suspended from the poles. While Towida was sitting there, a sudden gust of wind got up, and shook the tent violently. As the tent rocked in the wind, the gun came tumbling down on to a wooden chest between the poles; the impact fired the

682 charge, which hit Towida at a range of only a few feet,
672 with fatal results.

Farag, who had divorced her two months before,
682 brought a claim for bloodmoney from Korayem; but when
672 the case was heard, Korayem denied that the accident had
695 happened in his tent. The assessors of this first court,
which was held soon after the accident, demanded that
Korayem should swear, backed by twenty-five men (i.e.
half the full number of fifty, as Towida was a woman),
that the accident did not take place in his tent. Then
[671 followed an example of one of the very unsatisfactory
points in Bedouin Law.

Korayem, who was a powerful man belonging to the Gereidat, who were in turn a powerful family, managed to persuade the court to cancel their judgment requiring the oath from himself and his twenty-five backers, and to agree to a settlement whereby he should pay £10 and be absolved from the necessity of taking the oath. The court accepted this agreement, and proceeded to examine the claims to the bloodmoney.

The Moslem Law of Divorce provides that when a man
682 divorces his wife, the decree does not become absolute for
672 three months, in order that it may be ascertained whether
695 the woman be pregnant by her lately divorced husband.
Towida had only been divorced two months before the
671 accident; so the question had to be decided whether Farag
586 were legally her husband or not at the time of her death,
for purposes of receiving a share of the bloodmoney. If so,
he should receive one quarter; but there seems to have
been some difference of opinion on this point among the
assessors of the court, and the whole matter was shelved.

682 Seventeen years afterwards, Lataif Farag—then a man
of twenty-one—re-opened the case, claiming his mother's
672 bloodmoney. In support of his claim he produced three
695 witnesses. The first was Farag himself, who was prepared
to swear that he had seen Towida lying dead in the tent of
694 Korayem. The second was Towida's brother, who was

prepared to swear that he had been called in; and had seen 682
his sister dying in a pool of blood in Korayem's tent. The 672
third was a stranger who had been passing at the time of
the accident, had heard the shot, had gone into Korayem's 695
tent, and had seen Towida lying on the floor in a dying 694
condition. The newly-constituted court probed this evidence, without actually demanding the oath from these three witnesses, and arrived at the following conclusions:

1. That the facts of the case were common knowledge, and were as Lataif claimed.
2. That Korayem never really intended to swear that the accident did *not* happen in his tent, but had succeeded in bluffing the previous Court. This was made possible by the fact that Korayem's family were strong, and Farag's were weak.
3. That half the price of a man—i.e. £150—should be the bloodmoney in this case, provided that Farag could produce satisfactory evidence on oath that:
   (*a*) the gun belonged to Korayem,
   (*b*) the accident took place in Korayem's tent.
4. In the event of these conditions being met, Lataif Farag should receive five-sixths of the £150; and, provided that they swore the above oath backed by four others, Towida's father and mother (if alive) should receive the remaining one-sixth.

Generally speaking, this judgment appeals to an outside observer as eminently sensible and just; and if only the matter had been left at that, and the judgment had been enforced, all would have been well. Unfortunately, however, various influences again crept in to interfere with the decision of this second court. The accident had then happened about eighteen years before; the first court had been bluffed by Korayem; after an interval of seventeen years the second court gave their very reasonable judgment; and then for some reason unexplained the case was again shelved, and the judgment not executed. For the third

682 time the case was re-opened, after a further interval of some
672 years since the second judgment. By this time nearly all
695 the assessors and witnesses of the first Court were dead,
694 rumours had been spread that the gun belonged to a stranger
who had left his gun in Korayem's tent, and should therefore pay his share of the bloodmoney, and so on.

The Gereidat family again succeeded in confusing the case, and in prejudicing the issue in their favour; and the third court gave the following decision, to the disgust of interested followers of this rather remarkable lawsuit. They decided that no evidence existed to shew what happened in Korayem's tent, and that no oath was necessary, maintaining that in the absence of any proof whatsoever Farag had no claim. They further ordered a new distribution of the reduced scale of bloodmoney proposed, whereupon the proceedings became completely involved and absolutely unintelligible.

682 The above events point out unmistakably the weak
672 spots in the Ourfi system. Korayem's family were strong,
and on two occasions were successful in evading just de-
695 cisions against them; while the weak family with a strong case had to see justice perverted.

695 When the considered judgment of an Ourfi Court
182 receives authority for prompt and immediate execution
from the Government and the police, the Ourfi system is
648 probably the nearest possible approach to the ideal, consistent with the conditions prevailing. But it is an undeniable fact, which must be faced, that without the moral backing of the Civil Power behind the judgments of the Bedouin Courts, miscarriages of justice are possible, and do actually take place.

619 [175] [162] later Wilkinson estimated them at about 400 men near El Terrana and the Wadi Natrun.

At the present day they are still reckoned *Murabitin*, but, like the Jumei‘at, are sufficiently independent not to have to
[439] pay tribute. They share with the Awlad ‘Ali in the date traffic with Bahariya Oasis, where the produce of the village of Mandisha is reserved for them, and that from Bawitti for the Awlad ‘Ali.

619 682 181 Kennett notes (p. 54) that they demand £400 for blood-money instead of £300, the usual price in the Western Desert, and alludes (p. 67) to :

> "The free and easy way in which the Gawabees tribe near the Wadi Natrun pack up their summer tents and leave them in situ while they themselves trek off with their winter tents into the open desert for the winter grazing is indicative of this code of honesty prevailing among them."

142 619 On page 101, he calls them "nearly all very small men, with strangely similar features and characteristics running through all the families of the tribe ".

619 173 Bramly has collected three pedigrees of the tribe all going back to Sheikh ‘Abd el-Jawad el-Kassar. They state that they are an offshoot from the Qadadfa, and about 500 years ago left Saqiet el-Hamra in Morocco to settle in Egypt.

As a reward for "settling some affairs in the Wadi Natrun ", Muhammad ‘Ali Pasha granted them the usual Bedouin privilege of exemption from military service. There are small colonies of them elsewhere among the Awlad Ali, while others are settled in the cultivated provinces of Giza, Beheira, Menufiya, and Gharbiya.

Jumei‘at.—This tribe, possibly a remnant of the original Libyan inhabitants of Mariut, is of quite respectable antiquity, for Ibn Khaldun includes the Jumei‘at as a subtribe of "Beni ‘Ali ", themselves an offshoot from Beni Suleim. Whether his " Beni ‘Ali " are the same as the modern Awlad ‘Ali may be questioned, yet it is a reasonable assumption, for the exchange of the words " Beni " and " Awlad " in tribal names can be paralleled elsewhere.

The Jumei‘at all agree that their remote ancestor, whom they share with the Awlad Suleiman and the Qat‘an, was called Ka‘b, and a Ka‘b indeed appears in the pedigree ascribed